

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 7th November 1947.

The Council met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

[Supplementary questions on Q. 99 answered on 6th November 1947.]

SRI R. SURYANARAYANA RAO :—“ From the long written answer furnished, it is found that we are doing *post-mortem* examination. I find, Sir, that Parry & Co. themselves were not competent to repack this skimmed milk powder and that their men had to learn how repacking was done in Bombay. If tenders had been called for, would not other firms have offered to do the repacking? ”

THE HON. DR. P. SUBBARAYAN :—“ The Government thought that these people knew about it and gave them the contract. Next time, of course, having regard to this fact, more care will be taken in the matter.”

Cultivation of food crops in lands belonging to temples, mutts, etc.

* 126 Q.—SRI S. B. ADITYAN: Will the Hon. the Premier be pleased to state whether any, and, if so, what steps have been taken to intensify the cultivation of food crops in the lands belonging to temples and mutts and other institutions (coming under the Madras Hindu Religious Endowments Act, 1926)?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier) :—“ A note^a is laid on the table of the House.”

SRI S. B. ADITYAN :—“ I find that only 6,835 acres of land had been reclaimed and brought under cultivation; may I know what is the extent of cultivable land in the hands of religious institutions which still remain uncultivated? ”

THE HON. DR. P. SUBBARAYAN :—“ Sir, all the information that could be got through the Hindu Religious Endowments Board has been placed on the table. I will ask for further information and supply it to the hon. Member in regard to this matter.”

SRI S. B. ADITYAN :—“ Will the Government take early steps to bring the remaining other lands also under cultivation? ”

THE HON. DR. P. SUBBARAYAN :—“ Yes, Sir, if that could be done; the Government also are anxious to extend cultivation, and so, this will be attended to.”

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Refugees from the Punjab.

* 127 Q.—SRI S. B. ADITYAN: Will the Hon. the Premier be pleased to state—

(a) whether the Government have given any undertaking to the Central Government to 'take in' refugees from the Punjab;

(b) what arrangements have been made for housing, clothing and feeding the refugees;

(c) how many refugees are intended to be provided for, and for how long;

(d) what is the estimated cost of the arrangements;

(e) what precautions have been taken against the refugees bringing in (i) contagious diseases such as cholera, (ii) weapons or firearms, and (iii) inflammatory literature; and

(f) whether the Government have taken precautions against the refugees spreading alarmist rumours or news that would rouse up communal hatred?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—“(a) Yes. The undertaking given extends to refugees from Sind and the North-West Frontier Province also.

“(b) *Accommodation*.—The following camps have been opened for housing refugees:—

‘*Lutterals Gardens, Kilpauk*.—It is estimated that this will accommodate about 500 refugees and it is proposed to use this as a Transit Camp.

‘*Holiday Home, Saidapet*.—This camp has just been obtained from the military on loan. It is estimated that it can accommodate about 500 refugees.

It is proposed to take over the Emigration Depot at Avadi also which can accommodate about 3,000 refugees. The Malayan Union Government have kindly consented to place this camp at our disposal for the purpose. Other camps will be selected if necessary after they are made ready for occupation.

Clothing.—It is proposed to supply two sets of clothes to each refugee according to what he or she is accustomed to wear. The Government have sanctioned Rs. 50,000 for purchase of clothes for refugees. The Textile Commissioner has allotted 64 bales of cloth for this purpose and they are being purchased. They will be stitched into garments at a cheap rate in the prisons through the Jail Department.

Feeding.—The refugees are paid fixed allowances for food according to the rates mentioned below:—

	Per day.		
	RS.	A.	P.
One adult	1	4	0
Each additional adult in a family	0	15	0
Each child below 12 years of age	0	10	0

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The Triplicane Urban Co-operative Society and the City Rationing Officer have opened a ration shop at the 'Lutterals Gardens' from which the refugees purchase their rations and other necessary articles of food. A firewood depot also has been opened by the Triplicane Urban Co-operative Society in this camp.

Similar arrangements are being made for the 'Holiday Home' at Saidapet.

"(c) It is intended to provide for not more than 10,000 refugees for a short period until conditions settle down in the North.

"(d) No definite estimate of the cost of the arrangements can be drawn up now as it depends on how many refugees will be sent down and how long they will stay here. This Government have set apart Rs. 1 lakh as their contribution and out of it have sanctioned so far Rs. 50,000 for clothing, Rs. 11,500 for repairs and other expenses connected with the camps and Rs. 10,000 on feeding at the rate mentioned in the answer to clause (b). A special staff of one Deputy Collector and one Executive Engineer with subordinate staff has also been sanctioned for three months.

"(e) (i) The Central Refugee Committee, Delhi, has been asked to inoculate all persons against cholera and re-vaccinate them before they are despatched to Madras. If this is not done the Corporation Health Staff and the health staff of the Director of Public Health will do this as soon as the refugees arrive here.

"(ii) & (iii) The officer in charge of the camp and the police are taking sufficient precaution in this matter.

"(f) Necessary precautions have already been taken. The refugees are strictly warned against spreading alarmist rumours."

SRI B. BHIMA RAO :—" May I ask, since Rs. 1 lakh seems to be very small for expenditure of this nature and as it is likely to be exceeded, what arrangements Government propose to make to meet the extra expenditure? "

THE HON. DR. P. SUBBARAYAN :—" We do not know exactly what the expenditure would be; we have provided a lakh of rupees; of course, further sums, if necessary, will be provided for."

SRI B. BHIMA RAO :—" May I know how many refugees are now here in Madras? "

THE HON. DR. P. SUBBARAYAN :—" As far as I understand, not very many at present."

SRI R. SURYANARAYANA RAO :—" May I know whether the Madras Government expect any contribution from the Central Government for the maintenance of these refugees? "

THE HON. DR. P. SUBBARAYAN :—" If the expenditure goes up to a large extent, we will be entitled to ask for contribution."

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SRI S. B. ADITYAN :—" Are the Government in correspondence with the Central Government on the question of contribution from the Central funds? "

THE HON. DR. P. SUBBARAYAN :—" Not as yet, Sir ; because the number of refugees is not very large at the present time."

SRI B. BHIMA RAO :—" Are the Government aware that in the various districts, public subscriptions were called for and collected and blankets have been purchased and are being despatched? May I know whether similar arrangements could be made in other districts? "

THE HON. DR. P. SUBBARAYAN :—" Blankets are purchased for use by refugees in the northern provinces because of the cold weather. I do not think the necessity for use of blankets in this part of the country will arise."

SRI B. BHIMA RAO :—" Are not the mornings cold nowadays, Sir? "

THE HON. DR. P. SUBBARAYAN :—" I do not think so, Sir ; personally I do not use a blanket myself."

SRI S. B. ADITYAN :—" Is there any proposal to settle these refugees on land here, or assign any land to them? "

THE HON. DR. P. SUBBARAYAN :—" No, Sir ; as found in the answer at the end, they are only temporarily here, because there are language difficulties, etc., and the question of settlement in this Province has not arisen."

Number of declarations for starting newspapers, etc., in the city.

* 128 Q.—SRI S. B. ADITYAN : Will the Hon. the Premier be pleased to state—

(a) how many declarations for starting newspapers and periodicals were filed in Madras City since March 1947 ;

(b) how many of them were (i) dailies, (ii) weeklies, (iii) monthlies, and (iv) other periodicals ; and

(c) whether securities were required to be deposited in the case of any of them, and for what reasons?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier) :—" (a) The total number of declarations filed for starting newspapers and periodicals in Madras City since March 1947 is 242.

" (b) Details of the total number of newspapers and periodicals are as follows :—

Dailies	..	..	..	..	..	7
Weeklies	..	..	..	..	..	67
Monthlies	..	..	..	..	..	136
Bi-weekly	..	..	..	..	..	1
Fortnightly	..	..	..	..	..	29
Quarterly	..	..	..	..	..	1
Half-yearly	..	..	..	..	..	1

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" (c) Under section 7 (1) of the Indian Press (Emergency Powers) Act, 1931, the Chief Presidency Magistrate, Madras, demanded the deposit of security from the following periodicals :—

(1) Ethiroli	..	..	..	Weekly.
(2) Ethayaoli	..	..	..	Do.
(3) Jananayagam	..	..	..	Monthly.
(4) Samadharma	..	..	..	Weekly.
(5) Sengodi	..	..	..	Monthly.
(6) Suprabhatham	..	..	..	Weekly.
(7) Onward	..	..	..	Do.

The reasons are as follows :—

- (1) *Ethiroli*.—It was considered likely that the contents would incite and encourage the public to commit cognizable offences.
- (2) *Ethayaoli*.—The journal was considered likely to publish defamatory articles and indecent references to persons engaged in the cinema industry thus inciting or encouraging the commission of cognizable offences involving violence.
- (3) *Jananayagam*.—The printer and publisher being a member of the Communist Party, the policy of the paper was considered to be likely to incite and encourage the public to commit cognizable offences involving violence or directly or indirectly to express approval or admiration of such acts.
- (4) *Samadharma*.—The publisher had been convicted in the Madras Conspiracy Case of 1934 under section 120-B (1), Indian Penal Code. His other antecedents were also not satisfactory.
- (5) *Sengodi*.—The reason given in item (3) *Jananayagam* applies to this paper also.
- (6) & (7) *Suprabhatham and Onward*.—The antecedents of the publisher who was considered to be a dangerous revolutionary were not satisfactory."

SRI S. B. ADITYAN :—" Were not the securities demanded even before the very first issue of these publications came out? "

THE HON. DR. SUBBARAYAN :—" That is so, as I have explained, because of the antecedents of the people who were going to publish these papers, precautions were taken."

SRI P. R. K. SARMA :—" May I know whether the Hon. Ministers do not have antecedents; will any security be demanded from them? "

THE HON. DR. P. SUBBARAYAN :—" No answer for that, Sir."

SRI R. SURYANARAYANA RAO :—" May I know whether the Government do not consider it necessary that these newspapers which obtained the licence, should appear, before they demand the security? After all, even if once they had committed a mistake, they might reform themselves as publishers."

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THE HON. DR. P. SUBBARAYAN :—“ The hon. Member knows as well as I do the old proverb that prevention is better than cure.”

SRI P. R. K. SARMA :—“ May I know whether security will be demanded from all Communist papers and periodicals in this Province? ”

THE HON. DR. P. SUBBARAYAN :—“ I am not prepared to answer this as a general question.”

SRI P. R. K. SARMA :—“ Do the Government realize that they are restraining the freedom of the press? ”

THE HON. DR. P. SUBBARAYAN :—“ By all well-known democratic principles, freedom of the press has got to be restrained also if in the opinion of the Government such freedom may become not freedom but licence.”

SRI P. R. K. SARMA :—“ May I know whether from all papers with declared socialist tendencies, securities will be demanded? ”

THE HON. DR. P. SUBBARAYAN :—“ I have already said that I am not prepared to answer any such general question.”

SRI R. SURYANARAYANA RAO :—“ In view of the fact that the Communist Party of India has promised wholehearted support to the Central Government, will the Government consider the desirability of changing their attitude towards the Communist press? ”

THE HON. DR. P. SUBBARAYAN :—“ There is no question of any attitude towards any party; their position will be carefully watched; and if in the Government's opinion, they are quite safe, the securities demanded may then be cancelled.”

Facilities for Madrasis evacuating from Pakistan.

* 129 Q.—SRI S. B. ADITYAN : Will the Hon. the Premier be pleased to state—

(a) whether the Government took any, and, if so, what steps to ensure that adequate facilities were given to Madrasis evacuating from Pakistan;

(b) how many Madras evacuees from Pakistan were rendered assistance by the Government, on their arrival in this Province;

(c) what the nature of the assistance given was;

(d) whether the Government propose to give compensation to the Madras evacuees who suffered damage in Pakistan; and

(e) whether the Government have made any, and, if so, what representation to the Government of India on the subject of such compensation?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier) :—“ (a) Certain representations were received from the South Indian Association at Karachi soliciting the assistance of this Government in regard to the provision of transport facilities for South Indians stranded in Karachi.

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The Government of India, Ministry of Works, Mines and Power, have been requested to arrange necessary transport facilities for these people. The President of the Sind Provincial Congress Committee was also asked to arrange priority passages for them.

" (b) Sixty Madras evacuees from Pakistan were given such assistance as was required by them on arrival at Madras.

" (c) The Refugee staff met the trains coming from Bombay, picked up these refugees and rendered them necessary assistance. Most of them required facilities to stay in Madras before they could take the next available train to their homes. They were accommodated in refugee camps. They were taken to the camps and brought back to the respective railway stations in Government conveyance. They were also assisted in obtaining tickets at the railway stations without difficulty. Such of them as belonged to the Madras City were taken to their respective homes in Government conveyance.

" (d) There is no such proposal under consideration.

" (e) No."

SRI B. BHIMA RAO :—" May I know, Sir, whether at present there is any difficulty for the emigration of these people from the Pakistan area? "

11-15
a.m.

THE HON. DR. P. SUBBARAYAN :—" As has been explained in the main body of the answer, the difficulty is not about coming but the difficulty is about transport."

SRI S. B. ADITYAN :—" Have the Government made any attempt to estimate the loss suffered by the Madrasis in Pakistan? "

THE HON. DR. P. SUBBARAYAN :—" We have made no such estimate. Of course people tell us what has happened."

SRI P. R. K. SARMA :—" Will the Government be pleased to depute some non-officials to go to Karachi and study the loss incurred by the Madrasis there, so that it may be possible to compensate them just as in the case of Bengal? "

THE HON. DR. P. SUBBARAYAN :—" I do not think that such a necessity has arisen."

MR. PRESIDENT :—" The hon. Member mentioned about Bengal. My own impression is that nothing has been done in the case of Bengal except sending an officer to go and make enquiries."

SRI B. BHIMA RAO :—" May I know from the Hon. Minister, Sir, whether the difficulties have been accentuated within the last one week or ten days and that it is not possible for persons to come from Karachi to the Madras Province? "

THE HON. DR. P. SUBBARAYAN :—" So far, no difficulty has arisen. As I have said already, the difficulty is about transport. It is the Government of India that provide the transport for these evacuees from Karachi to Madras and we transport as many people as possible."

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SRI R. SURYANARAYANA RAO :—" May I ask the Hon. Minister, Sir, what arrangements are made at Karachi on behalf of this Government to assist the evacuees who wish to come from Pakistan? "

THE HON. DR. P. SUBBARAYAN :—" A Special Officer has been deputed for this purpose."

SRI P. R. K. SARMA :—" May I know from the Hon. Minister whether the Hon. the Premier has received any representation from families in Karachi stating that these evacuees are generally employees in Government offices and commercial undertakings and that they do not belong to the working classes? "

THE HON. DR. P. SUBBARAYAN :—" It is a matter which I will have to look into. I have not got a ready answer."

SRI S. B. ADITYAN :—" Will this Government ask the Government of India to lodge a claim on Pakistan for the loss suffered by the people of this Province who are innocent and who suffered those losses for no fault of their own? "

THE HON. DR. P. SUBBARAYAN :—" When action is taken on the several claims that are made, I am sure the Government of India will take necessary steps."

Conviction of Sri Vidyarthna Thirthaswamigal of Udipi.

* 130 Q.—**SRI B. BHIMA RAO :** Will the Hon. the Home Minister be pleased to state whether the Government have received any application for setting aside the decision of the Madras High Court relating to the conviction of Sri Vidyarthna Thirtha Swamigal of Sri Krishnapur Mutt, Udipi; and, if so, what action the Government have taken on it?

THE HON. DR. P. SUBBARAYAN :—" The answer is in the negative."

SRI B. BHIMA RAO :—" Are not the Government aware that in such matters, the Swamiji attends to spiritual affairs only and that it is the Diwan or the Agent that attends to the temporal affairs? May I know, Sir, why in this case the Swamiji was proceeded against and convicted? "

THE HON. DR. P. SUBBARAYAN :—" It is a matter entirely for the Judiciary and they have come to a certain conclusion. Government do not propose to interfere with the decisions of the Courts of Law. I would also like to place for the hon. Gentleman's consideration the fact that the principal is as much responsible for the acts as the agent himself."

SRI B. BHIMA RAO :—" If so, Sir, may I ask the Government whether they contemplate modifying the rules and thus make it applicable only to those trustees or agents who are in charge of the temporal affairs of the Mutts and not to the Swamijis? "

THE HON. DR. P. SUBBARAYAN :—" No, Sir. I do not think so."

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Sir Norman Strathie Engineering Works.

* 131 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Food be pleased to state—

(a) whether an Engineering works named after Sir Norman Strathie has been organized on a co-operative basis;

(b) if so, the number of ex-servicemen employed in the works and the nature of the articles made there;

(c) whether it is a fact that large quantities of surplus articles especially those of iron and steel have been purchased for these works;

(d) whether it is a fact that some of these surplus articles have been sold to private persons without making use of them;

(e) if the answer to (d) is in the affirmative whether the previous permission of Government was obtained both for purchase and afterwards for sale;

(f) whether the works are engaged in making trusses, etc., for private persons and companies;

(g) whether there is any scope for making agricultural implements for which there is great demand; and

(h) whether the working of these works is being properly supervised and who the supervising authority is?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. Dr. T. S. S. Rajan, Minister for Food):—“(a) Yes.

“(b) The number of ex-servicemen employed in the workshop is 108 and the nature of articles produced are as follows:—

(1) Machinery required for the other ex-servicemen's co-operatives such as sheet metal working machinery, brick and tile manufacturing machinery, simple wood working machinery.

(2) Iron roof trusses.

(3) Metal parts for charkas.

(4) New type of rice hullers called ‘Rama Hullers’ (power-driven and hand operated).

“(c) The following surplus materials were purchased from the Disposals Department:—

				TONS.
(1) Aero propeller blades	..	..	..	5½
(2) Stainless steel sheets	..	..	..	2½
(3) Naval craft	..	..	..	11
(4) Pontoon cells with fittings	..	..	..	125
(5) A.P. Shots	..	..	..	1,989
(6) Brass and copper scrap	..	..	..	½

“(d) Yes. The Naval craft and pontoon cells with fittings have been sold to private persons.

“(e) No.

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" (f) Yes.

" (g) Yes.

" (h) Yes. The General Superintendent of the Public Works Workshop is a member of the Board of Directors. The workshop is under the personal supervision of a Junior Superintendent of the Public Works Workshops and the Technical Expert of the Directorate is in general charge of the workshop.

As the full complement of Co-operative Workshop Schemes, for which this workshop was intended to produce machinery have not been formed and as it is not possible for it to rely on private orders, the Government have since ordered its dissolution after completing the works on hand."

Ministers' tours.

* 132 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Finance be pleased to lay on the table of the House a statement giving particulars of districts visited, number of days spent and travelling allowances drawn by the Hon'ble Ministers from 1st April to 31st July 1947?

THE HON. SRI B. GOPALA REDDI:—"A statement* showing the particulars is laid on the table of the House."

SRI B. BHIMA RAO:—"Is it for the purpose of administration that these Ministers tour or is it only for private pleasure?"

THE HON. SRI B. GOPALA REDDI:—"Not for private pleasure, Sir. It is no pleasure to travel in these days." (Laughter.)

The Tungabhadra Industries, Limited, Kurnool.

* 133 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Industries be pleased to state—

(a) what the authorized capital and the subscribed capital of the Tungabhadra Industries, Limited, Kurnool, are;

(b) what the amount of subscribed capital held by this Province and of the Ceded Districts in particular is;

(c) whether one of the conditions originally agreed to was to employ local people for a certain percentage of posts in the factory;

(d) whether the company also agreed not to install expellers;

(e) whether any of the conditions originally imposed were altered subsequently to placate the company and, if so, what the altered conditions are;

(f) whether the Articles of Association of the company permit them to engage themselves in all kinds of business besides manufacture of Vanaspathi;

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(g) whether there have been complaints from the local businessmen of unfair and unequal competition by the company in trade in general;

(h) whether the company has issued its Statutory Report and the balance sheet; and

(i) whether the Government have considered at any time the need to take steps to prevent exploitation of the backward area by the Big Business from the north?

THE HON. SRI H. SITARAMA REDDI :—" (a) Rs. 1 crore and Rs. 30 lakhs respectively.

" (b) Rs. 16 lakhs and Rs. 9,00,120 respectively.

" (c) No, Sir. A suggestion was however made to the company to encourage the appointment of local people to a good number of the higher posts.

" (d) No, Sir.

" (e) No, Sir.

" (f) Yes. But the Government have been informed by the Company's representatives that the Company will not expand its activities beyond oil and allied products.

" (g) Yes, Sir.

" (h) Yes, Sir.

" (i) The attention of the hon. Member is invited to the Press Note* No. 123, dated 18th September 1946, issued by the Government."

Andhra Paper Mills, Limited, Rajahmundry.

* 134 Q.—**SRI S. B. ADITYAN :** Will the Hon. the Minister for Industries be pleased to state—

(a) the shares issued, shares paid-up, debentures issued and other particulars relating to the capital of the Andhra Paper Mills, Limited, Rajahmundry;

(b) the capacity of the Mills;

(c) the production of the Mills since 1942, in tons (year-war);

(d) the periods during which the Mills were closed, and the reasons for closing;

(e) whether allegations of blackmarketing of paper were made against the management, during the war period;

(f) if so, whether the Government held any inquiry or took any other action, and with what results;

(g) whether the company has been directed to be wound up under the orders passed by the High Court;

(h) whether the Government have taken any, and, if so, what steps to keep the Mills in production; and

(i) whether the Government propose to take over the Mills and run them as State concern?

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THE HON. SRI H. SITARAMA REDDI :—“(a) The information required is furnished in the statement* placed on the table.

“(b) Ten tons per day.

Year.	Production in tons.
“(c) 4th August 1942 to 31st March 1943 (8 months).	755
1943-44 ..	1,233
1944-45 ..	1,859
1945-46 ..	2,055
1946-47 ..	1,822
1st April to 25th May 1947 ..	175

Particulars regarding production for the period and prior to 4th August 1942 are not available.

“(d) The Andhra Paper Mills, which were erected in 1920 worked continuously only from 1942. No information is available as regards the periods during which the mills were closed during 1920-42 and the reasons therefor. The mills stopped working from 26th May 1947. It is reported that the management closed down the mills as they were running at a loss.

“(e) Yes, Sir.

“(f) Yes, Sir. The Government appointed an authorized controller to see that the paper produced by the mills was properly accounted for and equitably distributed. As a result of this appointment, the level of production by the mills increased.

“(g) Yes, Sir.

“(h) & (i) The matter is under consideration.”

SRI S. B. ADITYAN :—“In view of the acute shortage of paper, Sir, will the Government depute an officer to consider this question and see whether Government can take over and continue this factory?”

THE HON. SRI SITHARAMA REDDI :—“I think that the matter is under consideration.”

SRI R. SURYANARAYANA RAO :—“May I ask the Government, Sir, whether they have received any applications from the people of the locality who are prepared to run the factory at any time?”

THE HON. SRI H. SITARAMA REDDI :—“Some representations have been received by the Government from the people of the locality.”

Coal consumed in each district in the Province.

* 135 Q.—SRI B. NARAYANASWAMI NAYUDU : Will the Hon. the Minister for Industries be pleased to state—

(a) the total quantity of coal in all its varieties consumed by each district in the Province in 1946-47, and 1945-46, and in what

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trades and occupations and the quantities thereof in each such trade or occupation; and

(b) whether the quantity is less than the requirements of the trade or occupation, and, if so, by how much and what steps Government propose to take to increase the supply and transport of coal in all its varieties?

THE HON. SRI H. SITARAMA REDDI:—“(a) A statement* showing the quantities of coal and coke consumed in the several districts of the Province during (i) 1945-46 and (ii) 1946-47 is laid on the table of the House. A statement of the allotment of coal and coke districtwar to the several industries is also laid on the table of the House. The quotas allotted for distribution through Provincial depots for small-scale consumers were distributed mainly to engineering concerns, foundries, oil mills, educational institutes, hotels, etc. The quota of slack coal allotted was distributed to brick kilns. The figures furnished in the statements do not include the allotments made by the Central Government direct to ‘A’ class industries such as textile mills and sugar factories.

“A statement* is laid on the table of the House showing the number of wagons allotted to the Province for the various classes of industries. In addition a quantity of 100,000 tons for tobacco flue curing in Guntur and Kistna districts and 8,080 tons for tobacco redrying factories were allotted during 1946-47.

“(b) The actual requirements are far in excess of the allocation that have been made to this Province by the Coal Commissioner. The need for increasing the allotment has been repeatedly impressed on the Central Government but they have not been able to comply with our request in view of labour troubles in coal fields and shortage of wagons.”

SRI R. SURYANARAYANA RAO:—“May I know, Sir, whether the Government have satisfied themselves that there are some establishments which receive quotas from the Central Government as well as from the Provincial Government?”

THE HON. SRI H. SITARAMA REDDI:—“There are certain industries which are entitled to get their quotas from Central Government and others which are entitled to get from the Provincial Government. I take it that unless they are entitled to quotas both from the Central Government as well as from the Provincial Government, they cannot get such quotas.”

Cement factories in the Province.

* 136 Q.—SRI S. B. ADITYAN: Will the Hon. the Minister for Industries be pleased to state—

(a) the number of cement factories now working in this Province, their names, location and capacity;

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(b) whether the Government own any share capital in the cement factories, and, if so, how much;

(c) the number of new cement factories licensed to be commenced, their names, location and estimated capacity;

(d) how many of the factories mentioned in (c) are under construction;

(e) whether the Government propose to erect any cement factories, wholly or partly owned by the Government;

(f) if so, the name, location, estimated capacity of the factories, the capital expected to be paid up and the Government's share thereof;

(g) whether the Government have any scheme for nationalization of the cement industry; and

(h) if so, the details of the scheme?

THE HON. SRI H. SITARAMA REDDI :—“(a) A statement A showing the existing cement factories in this Province is placed on the table of the House.

“(b) No, Sir.

“(c) Another Statement B showing the new cement factories proposed to be started is also laid on the table.

“(d) Only one factory, viz., the India Cements, Ltd., is under construction.

“(e) & (f) The question is under consideration.

“(g) The answer is in the negative.

“(h) The question does not arise.”

SRI R. SURYANARAYANA RAO : “In view of the huge demands for cement, will the Government expedite their decision with regard to the opening of new cement factories?”

THE HON. SRI H. SITARAMA REDDI :—“Yes, Sir.”

Alleged conversion of a teacher to Islam in Bellary.

* 137 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government are aware that a teacher of the New Muslim High School, Bellary, has been recently converted to Islam;

(b) whether it is a fact that an assurance has been given to the gentleman that he will be confirmed in his appointment, if he became a convert to Islam; and

(c) when the authorities concerned propose to shift the Muslim High School to a habitation of its own?

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“(a) Yes.

“(b) No.

“(c) The High School has been located in a separate rented building.”

SRI B. BHIMA RAO :—“ May I know from the Hon. Minister the actual reason which led this member of an Indian Christian family, who is a teacher in the New Muslim High School, Bellary, and his wife and children to be converted to Islam? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ The matter has been gone into and the Commissioner has reported that the conversion was due to the conviction that Islam is better than Christianity.”

Distribution of seats in Government colleges.

* 138 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether there are Government Orders prescribing distribution of seats in Government Colleges including the Engineering and Medical Colleges for linguistic areas;

(b) whether instructions have also been issued regarding representation of communities and classes and if so, what they are;

(c) whether reports, if any, have been received from the Director of Public Instruction on the actual working of these orders and instructions; and

(d) whether instructions regarding representation of communities and classes are applicable only to selections for admission into colleges for the first time or for subsequent classes as well as after each University examination?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“(a) Admissions into the Engineering and the Medical Colleges are made on linguistic basis, but admissions into Arts Colleges are not on this basis.

“(b) No rigid communal proportion has been laid down for admission into Arts Colleges. The Principals have been requested to exercise the greatest care in seeing that due representation is given to non-Brahmans, to all minority communities, to Muhammadans, to Harijans and to women. In the matter of admission to the Engineering Colleges and the Medical Colleges, however, communal proportion has been laid down as shown below :—

					Out of 12 seats.
Non-Brahman Hindus	—	..	..	..	5
Brahmans	..	..	..	..	2
Muslims	—	..	..	..	2
Anglo-Indians, Indian Christians or Non-Asiatics.					2
Harijans	—	..	..	..	1

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"It has also been ordered that due regard should be paid to the admission of students from backward and unrepresented communities.

"(c) Reports have been received from the Director of Public Instruction about the distribution of seats in the Engineering Colleges on the linguistic basis. No reports about the general working of the instructions for admissions to colleges have been received from the Director.

"(d) The order as it stands may apply to admissions in all classes but in practice it applies only to the juniormost class in which admissions are usually made."

11-30 a.m. SRI B. BHIMA RAO :—" May I know, Sir, the reasons which led the Government to change their policy from last year? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" The reason was that there have been agitation from other communities that their boys did not get proper representation in regard to admission in these colleges."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether in addition to the claims of backward communities the claims of backward areas will also be looked into in regard to this matter? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Yes, Sir."

SRI R. SURYANARAYANA RAO :—" Sir, in reply to clause (d) the Hon. Minister for Education was pleased to say that generally representations from all communities are taken into account only when admissions are made into the juniormost classes. Will the Government be pleased to instruct the Principals of these colleges to see that the representations of all communities are not taken into account in respect of admissions to higher classes also? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" It is not necessary, Sir, for the reason that admission is made only to the juniormost classes of the Engineering and Medical Colleges and normally admissions are not made to the higher classes and so the rules apply only to admission to the juniormost classes."

SRI R. SURYANARAYANA RAO :—" Sir, I have in my mind admission to colleges other than the Engineering and Medical Colleges? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" In regard to other colleges these rules do not apply, but the rules issued in 1942 have been applied to other colleges."

SRI C. N. MUTHURANGA MUDALIYAR :—" Sir, in the matter of education communal considerations should not come in the way of boys and girls becoming educated and so may I know whether it is the duty of the Government to provide schools and colleges irrespective of the communities whether backward or forward, so that they may get education provided they are ready? "

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ I accept it as a general view, but under practical exigencies this rule has to be resorted to.”

SRI B. BHIMA RAO :—“ May I ask, Sir, why a certain proportion should not be set apart for merit as recommended in the Bhore Committee's Report? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ The difficulty has been that people who are meritorious in colleges have not been meritorious in practice.”

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Is it not a fact that while giving effect to the Government Order relating to communal representation, the actual purpose of that order is nullified by the authorities who make admissions to colleges by prescribing higher standards for admission? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ No, Sir. Different standards have been fixed for different communities.”

SRI B. BHIMA RAO :—“ May I know, Sir, whether all Muslims who applied for admission to the colleges were admitted? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ I don't catch the question.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether the Hon. Minister for Education will be pleased to consider the suggestion made by the hon. Member, Mr. Muthuranga Mudaliyar and see that the restriction on account of representation of communities is removed as far as possible? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ I think the hon. Member did not understand the suggestion of the hon. Member, Mr. Muthuranga Mudaliyar. What he said was that Government should consider the opening of colleges so that all people who have a desire for higher education should be enabled to do so. That was the question. He also suggested that in the matter of admission there should be no distinction of communities.”

SRI C. N. MUTHURANGA MUDALIYAR :—“ May I know, Sir, why Mr. V. L. Ethiraj's College has not yet materialized? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ That question does not arise from this.”

MR. PRESIDENT :—“ However, if the Hon. Minister likes, he may answer it.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ I understand that Mr. Ethiraj could not find buildings or other places to run his college. He is anxious to run the college within the City but he is not able to find the necessary accommodation. That is, what I understand, the reason for not starting it.”

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K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Is it not possible for the Government to help Mr. Ethiraj in finding accommodation? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ Yes, Sir, but concrete proposals must come from Mr. Ethiraj himself.”

MR. PRESIDENT :—“ I hope hon. Members will not make that a principal question.” (Laughter.)

SRI C. N. MUTHURANGA MUDALIYAR :—“ May I ask, Sir, whether the buildings recently vacated by the military cannot be made available for this college? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ Of course, Government will be happy to consider the suggestion if Mr. Ethiraj will go round and see what buildings are vacant which will be suitable for the college and then if he applies to Government, the Government will certainly consider the matter.”

SRI R. SURYANARAYANA RAO :—“ Will not the Government take the initiative in the matter, since Mr. Ethiraj, though anxious, may be otherwise busy? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ It is difficult for the Government to do so, without being approached by the person concerned.”

Restoration of tanks in Rayalaseema.

* 139 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of ruined tanks restored in Rayalaseema during the past seven years, i.e., from 1940 ;

(b) the extent of ayacut under these restored tanks ;

(c) whether all the ayacut has been brought under cultivation ;

(d) whether it is a fact that the cultivators owning lands under these restored tanks find it difficult to bring the lands under cultivation immediately the tanks are restored ;

(e) whether the question of exempting the ayacutdars from wet assessment or water-rate for a period of time to enable them to bring the lands under cultivation has ever been considered ; and

(f) whether the Government will be pleased to place the orders of Government on the table of the House?

THE HON. SRI KALA VENKATA RAO :—“ (a) to (e) Information is contained in the statement^a laid on the table.

“ (f) The Government do not consider it possible to lay all the orders on the table of the House.”

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Selling of Burma beans.

* 140 Q.—SRI S. B. ADITYAN : Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a penal offence to sell any food article unfit for human consumption ;

(b) whether Burma beans is an article of that description ;

(c) the quantity of Burma beans imported into this Province ;

(d) the name of the poison contained in Burma beans ;

(e) the number of cases where poisoning of this kind was suspected, and the places where the cases occurred ;

(f) the present stock of Burma beans in the Province ;

(g) whether the Government are aware of the names of persons with whom the stocks are lying ;

(h) what steps the Government have taken to prevent the said persons passing on the stocks for human consumption ; and

(i) whether the Government have taken any, and if so, what steps to prevent further import of Burma beans?

THE HON. SRI A. B. SHETTY :—“(a) Yes.

“(b) Yes, samples of Burma beans analysed by the Government Analyst and the Public Analyst of the Corporation of Madras have shown the presence in them of poisonous matter.

“(c) The exact quantity is not known.

“(d) ‘Hydrogen cyanide’.

“(e) About 82 cases of poisoning suspected to be due to the consumption of these beans have been reported from Virudhunagar, and the districts of Salem, the Nilgiris, Coimbatore and Trichinopoly.

“(f) About 35,000 bags.

“(g) No.

“(h) All Health Officers have been instructed to take action against the sale of Burma beans under section 108 of the Public Health Act.

“(i) The Government of India have been addressed to prohibit the import of the beans and its products into this province.”

SRI S. B. ADITYAN :—“May I ask whether the Government will approach the Government of India for returning these beans to Burma?”

THE HON. SRI A. B. SHETTY :—“The Government of India have addressed the Bombay Government. It is reported that people in Bombay Province are consuming these beans without any ill-effects.”

SRI C. N. MUTHURANGA MUDALIYAR :—“Sir, if these beans are considered poisonous for human consumption, they may perhaps be utilized for manuring the soil?”

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THE HON. SRI A. B. SHETTY :—" The beans cannot be used as fertilizers since the cost would be prohibitive."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" May I know, Sir, from the Hon. Minister, how many deaths were caused on account of these beans being taken by people in this province? "

THE HON. SRI A. B. SHETTY :—" Six deaths and 82 cases of poisoning were reported."

SRI S. B. ADITYAN :—" May I know whether this Government will bring this matter through the Government of India to the notice of the Burma Government so that the importers of these beans could be compensated for the loss? "

THE HON. SRI A. B. SHETTY :—" I shall have the matter considered, Sir."

UNSTARRED QUESTIONS.

Dearness allowance to teachers under private management.

22 Q.—SRI A. GOVINDACHARYULU : Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that teachers in some schools and colleges under private managements are not getting the dearness allowance at Government rates; and

(b) if so, what steps the Government propose to take to see that the teachers under private management get the dearness allowance at Government rates?

A.—(a) Yes.

(b) It is not possible to compel the managements to grant dearness allowance at Government rates, if their financial position does not permit such payment. In order to afford relief to those teachers who get the allowance at rates lower than those admissible to Government servants in corresponding grades, the Government have undertaken to pay a special grant equal to one half of the difference between the maximum amount of allowance admissible at Government rates and the amount of allowance actually paid by the managements of institutions to the staff and the managements are required to disburse to the staff the amount of allowance due out of this special grant.

The Director of Public Instruction has been authorized to investigate into the financial position of the managements, to satisfy himself whether their financial resources would permit the payment of the allowance at Government rates, and if so to direct them to do so. If even after the issue of such a direction, the managements persist in not paying the allowance at Government rates, the teaching grant payable to the managements will be withheld in full

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or in part. The refusal to pay the allowance at Government rates by managements which do not receive any teaching grant, will be considered as a valid reason for withdrawal of recognition. The Director of Public Instruction has been asked to submit necessary amendments to the Grant-in-Aid Code to give effect to the above decision.

Adoption of Central Government's standards as regards pay and retiring age.

23 Q.—SRI P. VEERABHADRASWAMI : Will the Hon. the Minister for Finance be pleased to state—

(a) whether there is any proposal to extend the service of Government officers who are completing the age of 55 till they will be 58 as the Central Government have decided to do;

(b) whether there is any proposal to give the benefit of the new scales of pay to Government officers who will retire in 1947, 1948 and 1949 by calculating their pension on the enhanced scales instead of their three years average pay on old scales;

(c) if the answer to (b) is in the negative, whether the Government have considered the matter;

(d) whether there is any proposal to increase the dearness allowance to Government officers in our province on the scales adopted by the Central Government; and

(e) if the answer to (d) is in the negative, whether the Government have considered the matter as all the officers belonging to the Provincial and Central Government are equally affected by the present high prices in the country?

A.—(a) Government are not aware of any such decision by the Central Government. The reference is perhaps to the recommendation of the Central Pay Commission. The question whether there is any need for alteration in the age of compulsory retirement so far as servants of this Government are concerned is still under examination.

(b) & (c) Officers retiring in 1947–49 will receive the benefit of the revised scales to the extent that in calculating average emoluments for purposes of pension, the enhanced pay drawn in the revised scales with effect from 1st January 1947 will be taken into account. The Government, after careful consideration, have come to the decision that no special pensionary concession can be granted.

(d) & (e) The Government after careful consideration have come to the conclusion that, in view of the present financial position of the province, an increase in the existing rates of allowance is not possible. The rates of dearness allowance have in fact been recently revised in the light of the orders issued by the Government of India in respect of their officers, and the result of the revision will be a slight reduction of the allowance in the case of higher paid officers.

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Representation of women in official and non-official committees.

24 Q.—MRS. MARY CLUBWALA: Will the Hon. the Premier be pleased to state whether in view of the great disappointment that is felt by the women of Madras in the attitude of the Madras Government in not having given adequate representation to women on important official and non-official committees, dealing with matters vitally concerning the welfare of the country—social, economic and medical—the Government propose to consider the desirability of including women in these bodies?

A.—A list ^a of committees on which women are presented^{*} is placed on the table of the House. The question whether women can be usefully represented on other committees to be formed will be considered when they are constituted.

Villages supplied with electric power.

25 Q.—SRI B. NARAYANASWAMI NAYUDU: Will the Hon. the Minister for Public Works be pleased to state—

(a) the names of the villages talukwar, in the several districts which are supplied with electric power till the end of June 1947; and

(b) the number of applications together with the names of the villages, talukwar, in the several districts for connection of wells with the supply of electric power (i) which have been refused, (ii) which are pending; and the reasons for such refusal or pendency?

A.—(a) & (b) From the reports so far received the Government observe that the statement to be placed on the table of the House will be voluminous and they do not consider it worthwhile to print and place such voluminous statements on the table of the House. Information in respect of any particular village will be given to such hon. Members as may ask for it.

Mineral resources of the province.

26 Q.—SRI B. NARAYANASWAMI NAYUDU: Will the Hon. the Minister for Industries be pleased to state—

(a) the mineral resources of each district and the nature thereof; and

(b) what steps the Government contemplate to develop such resources and what handicaps, if any, there exist for the development of such resources and how the Government propose to overcome these handicaps?

A.—(a) A statement ^b is placed on the table.

(b) The Government have constituted a planning Committee on Industries to chalk out an industrial policy for this province. The report of this Committee which will doubtless deal with the development of mineral resources is awaited.

^a Printed as Appendix VIII on page 737 infra.

^b Printed as Appendix IX on page 738 infra.

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[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ADJOURNMENT MOTION *RE* SITUATION CREATED BY THE OUTFLOW OF REFUGEES FROM HYDERABAD.

MR. PRESIDENT :—“ May I know, whether the hon. Member, Mr. Narayanaswami Nayudu, is pressing his motion? ”

SRI B. NARAYANASWAMI NAYUDU :—“ Yes, Sir.”

MR. PRESIDENT :—“ I have received notice of the following motion from the hon. Mr. Narayanaswami Nayudu :—

‘ I wish to move at the meeting of the Legislative Council to-day that the business of the Council be adjourned for the purpose of discussing a definite matter of urgent public importance, to wit, the growing and immediate danger to the peace and tranquillity and safety to the property and persons of the districts of Kurnool, Guntur and Kistna, adjoining Hyderabad and the problems created by the increasing and incessant outflow of refugees from Hyderabad territory into the adjoining Madras Province areas ’.”

THE HON. DR. P. SUBBARAYAN :—“ Sir, I would like to refer to Rule 117 of the Council Rules, sub-section (2) which says :

‘ No resolution shall be moved on any matter connected with any Indian State unless the Governor acting in his discretion—

(i) is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the province, and

(ii) has given his consent to the resolution being moved.’

That has been retained under section 84 which has not been taken away by the Indian Independence Act. I will refer you to section 84 (c) of the Government of India Act which says :

‘ For prohibiting the discussion of, or the asking of questions on, any matter connected with any Indian State unless the Governor in his discretion is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the province and has given his consent to the matter being discussed or to the question being asked ’.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether the words ‘ in his discretion ’ have been removed in the Adaptation Order or not? ”

THE HON. DR. P. SUBBARAYAN :—“ In section 84 (c) the words remain.”

MR. PRESIDENT :—“ May I know from the Hon. Minister whether there is any other objection except this? ”

THE HON. DR. P. SUBBARAYAN :—“ Yes, Sir. I have first to stand on the technical objection that no resolution shall be moved on any matter connected with any Indian State and this is a matter which is connected with a State. Secondly, I would

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ask hon. Members that since negotiations between the Government of India and the Nizam's Government are in a very delicate stage, we should do nothing to add to the troubles of the Central Government with regard to these negotiations. Besides, I can assure hon. Members that this Government are watching what is happening on these borders and are taking every step they can to prevent anything getting out of hand, but all these have got to be done in consultation with the Government of India and it is not possible for me to give any further information on this point because they are of a very strictly confidential nature and without reference to the Government of India, even if this motion is allowed and moved, I would not be able to add anything to what I have said now."

SRI B. NARAYANASWAMI NAYUDU :—" So far as the technical point is concerned, Sir"

MR. PRESIDENT :—" May I ask the hon. Member whether in view of the statement made by the Hon. Minister, he is pressing his motion? "

SRI B. NARAYANASWAMI NAYUDU :—" Sir, the reason which prompted me to make the motion, was the article that appeared in to-day's papers in which Mr. Pattabhi Sitaramiah is accusing the Government of Madras of supineness and I thought this would give an opportunity to the Government to say that they are alert and active. The only point I would like to know from the Government is whether there is sufficient force in the districts concerned to preserve peace and order and whether efforts are being made to conserve those forces or not. That is the plain and simple question I want to ask of the Government and not about the negotiations between the Hyderabad State and the Indian Union. My point is whether all the forces in the districts can cope with the situation or is it going to be too late in the day. It is the intensity of the question that prompted me to bring forward this motion, Sir."

THE HON. DR. P. SUBBARAYAN :—" I quite understand the intensity of the question but I am not able to take the thing any further. According to military law it is not for me to defend or give out the deployment of forces."

MR. PRESIDENT :—" Of course, Government can say whether they are alert in regard to the matter or not."

THE HON. DR. P. SUBBARAYAN :—" I have already said that the Government are taking every necessary step and I would not say anything more than that."

MR. PRESIDENT :—" In view of the Hon. Minister's statement, I think the hon. Member is not pressing the motion."

SRI B. NARAYANASWAMI NAYUDU :—" No, Sir."

The adjournment motion was not pressed.

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MR. PRESIDENT :—" I think the Hon'ble Minister dealt with it in a technical way. The resolution as it stands refers only to the immediate concern of this Government, the peace, tranquillity and the safety of this Province. I think this is purely a matter for this Government. This is only an academic discussion." 11-45 a.m.

THE HON. DR. P. SUBBARAYAN :—" Let there not be any ruling, Sir."

MR. PRESIDENT :—" No, it is only my feeling that I have expressed."

III.—MESSAGE FROM ASSEMBLY.

MR. PRESIDENT :—" I have to announce to the House, that in accordance with rule 94 of the Madras Assembly Rules, I have received messages from the Hon. the Speaker of the Madras Legislative Assembly transmitting copies of the following Bills as passed by the Assembly, on the 5th November 1947, and signed by him for the concurrence of the Council :—

(1) The Madras Non-Power Factories Bill, 1947 (L.A. Bill No. 16 of 1947).

(2) The Madras Municipal and Local Boards (Amendment) Bill, 1947 (L.A. Bill No. 32 of 1947).

(3) The Madras Places of Public Resort (Amendment) Bill, 1947 (L.A. Bill No. 33 of 1947)."

IV.—ELECTION OF TWO MEMBERS TO THE SENATE OF THE ANNAMALAI UNIVERSITY.

MR. PRESIDENT :—" I have to announce to the House that the following candidates have been duly nominated for election of two members by the Legislative Council to the Senate of the Annamalai University :—

(1) Sri K. Manathunainatha Desigar.

(2) Sri C. Perumalswami Reddiyar.

" As the number of candidates nominated is equal to the number of vacancies to be filled, viz., two, I hereby declare them to have been duly elected to the Senate of the Annamalai University."

V.—ELECTION OF A MEMBER TO THE STANDING ADVISORY BOARD FOR TECHNICAL EDUCATION.

MR. PRESIDENT :—" I have to announce to the House that Sri N. Ranga Reddi is the only candidate duly nominated for a seat in the Standing Advisory Board for Technical Education constituted by Government in G.O. No. 1829, Education, dated the 19th August 1947. I hereby declare him duly elected."

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VI.—BILLS.

(1) THE MADRAS MUNICIPAL AND LOCAL BOARDS (AMENDMENT)
BILL, 1947.

THE HON. SRI K. CHANDRAMOULI :—" Sir, I beg to move—

' that the Madras Municipal and Local Boards (Amendment) Bill, 1947 (L.A. Bill No. 32 of 1947), as passed by the Assembly be taken into consideration at once.'

" The primary object of this amendment is just to remedy a flaw that has crept into the Local Boards Act and three Acts, that is, the Municipal Act, Local Boards Act and the Madras City Corporation Act. Whenever any municipality or local board is abolished, its properties are taken up by the Government and transferred to others but the Act does not give any provision to transfer the liabilities to the local bodies or the other institutions without the consent of the persons concerned or the bodies concerned. Now by this amendment of the Act that technical flaw is removed and power is taken with retrospective effect, so as to regularize the previous Acts."

The motion was carried and the Bill was considered.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried

THE HON. SRI K. CHANDRAMOULI :—" Sir, I move—

' that the Bill be passed into law.'

" I thank the Members for passing the Bill without any delay."

MR. PRESIDENT :—" If at all the Hon. Minister should thank anybody, he should thank the President."

The motion was put and carried and the Bill was passed into law.

(2) THE MADRAS PLACES OF PUBLIC RESORT (AMENDMENT)
BILL, 1947.

* THE HON. SRI A. B. SHETTY :—" Sir, I move—

' that the Madras Places of Public Resort (Amendment) Bill, 1947 (L.A. Bill No. 33 of 1947), as passed by the Assembly be taken into consideration at once.'

" Sir, the managements of circuses, amusements and other entertainments are not subject to the licensing provisions of the present Act in areas just outside the municipal limits. To avoid taking out licences, these people hold their shows in those places. No manner of control can be exercised over them by either the municipal authority or the concerned local authorities. These

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exhibitions thus become a source of danger to the health and safety of the public. There is a provision for issuing a special notification under section 1 (3) of the Act for extending the provisions of the Act to non-municipal areas but this takes time. It was therefore thought best to make the provisions of this Act directly applicable to places within a distance of three miles from the municipal limits. The municipal councils and the District Magistrates who were consulted in this matter have expressed opinions in favour of this amendment. The Director of Public Health also has supported it. The object of the new clauses 13-A, 13-B and 13-C has been explained in the Statement of Objects and Reasons."

The motion was put and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI A. B. SHETTY :—" I now move, Sir—
' that the Bill be passed into law.' "

The motion was put and carried and the Bill was passed into law.

(3) THE MADRAS SHOPS AND ESTABLISHMENTS BILL, 1947—cont.

MR. PRESIDENT :—" Now the discussion for the consideration of the Madras Shops and Establishments Bill, 1947 (L.A. Bill No. 15 of 1947) will continue."

SRI P. VEERABHADRASWAMI :—" The Congress is pledged to improve the lot of the peasants and the workers. I am glad that legislation to improve the lot of these two classes is rapidly pushed through. The clerks and servants in shops and servers in catering houses are all overworked and it is but right that the present Bill is now before the legislature. The Bill is framed on the lines of the Factory Act containing the following provisions :—

- (1) Working hours—8 hours.
- (2) Provision for overwork—Double wages.
- (3) Holidays with pay and weekly holidays.

" The hours of work specially in restaurants and cinemas will have to be fixed in such a way that the health of not only the people who work in them is safeguarded but also of the people who frequent them. At present, some restaurants work till midnight. I am aware of one tea-stall at Vizianagram which is kept open all day and night. Second shows in the cinemas run into the midnight. No eating house or cinema should work after 10 p.m. People should have sleep for a good number of hours.

" To make the people follow the rules, the Government should appoint honorary Inspectors from the localitiy. These Inspectors will duly advise the people and they need not be invested with powers to prosecute."

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SRI B. NARAYANASWAMI NAYUDU :—" May I know what are the reasons that made the Government to bring in this Bill? How many persons are affected by this Bill, what kind of labour and what is the capital involved in these businesses? "

THE HON. SRI H. SITARAMA REDDI :—" We do not have figures of the employees who are going to be affected nor the number of establishments and catering houses. There has been no census taken in this respect. I would, however, inform the hon. Member that there are certain difficulties experienced by these employees and it is with a view to redress them that this Bill has been brought forward. There is no need for the collection of statistics and so none have been collected."

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SRI B. NARAYANASWAMI NAYUDU :—" Mr. President, this is a very exhaustive Bill providing for the regulation of conditions of work in shops and commercial establishments. I am a legal practitioner and on a reading of the definition of ' shop ', which says ' any place where any trade or business is carried on or where services are rendered to customers '—this latter portion makes me feel that a doctor carrying on his profession or a vakil practising before a court, might easily be brought in. None of the learned professions can escape this. I wish to know definitely from the Hon. Minister whether it is sought to be confined to only those concerns making profits and are deriving taxable income or who have capital resources or to apply it to all."

THE HON. DR. P. SUBBARAYAN :—" My hon. Friend need not labour on this point; if he refers to the definition of ' commercial establishments,' he will find that the legal practitioner is not brought under the Bill and his clerk and whomsoever he might employ would not be considered a shop assistant."

SRI B. NARAYANASWAMI NAYUDU :—" But what I am concerned is that portion of the definition which deals with rendering of services, viz., ' where services are rendered to customers '—these are the words; nothing that Dr. Subbarayan says now on the floor of the House can avail if it is a matter which is to be taken to court and things have to be definitely put down."

THE HON. DR. P. SUBBARAYAN :—" I do not know if my hon. Friend will call his profession a business."

SRI B. NARAYANASWAMI NAYUDU :—" ' Shop ' has been defined as a place where trade is carried on or where services are rendered and I have been saying from the very beginning that these latter words are the ones by means of which the practice of any learned profession might be brought within the purview of the law."

THE HON. DR. P. SUBBARAYAN :—" There the services are not rendered to ' customers ' but to clients and that is why they very carefully used that word."

SRI B. NARAYANASWAMI NAYUDU :—" I also want to know whether services rendered for money alone is the consideration."

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MR. PRESIDENT :—" There are some lawyers' houses which can be likened to eating houses." (Laughter.)

SRI B. NARAYANASWAMI NAYUDU :—" I want to be perfectly clear about it and I have some amendments upon that point. It is not as if, when the Inspector comes round and chastises me regarding the grant of leave for my clerks, I could tell him that Dr. Subbarayan has told in the Council that it is not so. When it is a question of going before the Court, what happened in the Council during the proceedings relating to that measure will not be allowed and they will be guided merely by the language of the law. For instance, there is the barbers' shop where they shave all the twelve hours and there is the money-lender who serves his customers. I believe they will come under the provisions of the Act."

THE HON. DR. P. SUBBARAYAN :—" May I refer my hon. Friend to clause 5 of the Bill :—

'Notwithstanding anything contained in section 4, the Provincial Government may, by notification, apply all or any of the provisions of this Act to any class of persons or establishments mentioned in that section, other than those mentioned in clauses (c) and (f) of sub-section (1) and modify or cancel any such notification.'

Therefore, the power is given to Government and I do not think they will easily get under this Act unless they know that the interests of the employees have got to be safeguarded."

SRI B. NARAYANASWAMI NAYUDU :—" Whether Government have got power to stop or do a certain thing is not the point in question. But the question is the wide sweep of the Act. The net is wide enough and can be cast any way; it will do no good to be told that it would not be cast in such a way, which I say, is possible. I am afraid this is not the kind of legislation that ought to have been brought before us."

MR. PRESIDENT :—" The hon. Member may be right if he says that this will apply to firms of advocates."

SRI B. NARAYANASWAMI NAYUDU :—" Dr. John has a big staff of clerks, reporters and a number of juniors. I wish to know whether you want to get at him. Definitely money-lending comes under this Bill. I can understand the herd instinct of hon. Members opposite but I believe they do not intend, when their own hearts are paralysed, that by their actions, the hands of others should also be paralysed. I can understand this piece of legislation is made applicable in cases where much money is made but the employees do not receive anything in return. That is where it must be applied. Supposing such a measure as this had been brought in England at the time of the industrial revolution when they were industrializing themselves. I am sure they could not have reached the peak of efficient industry as they have done. Our country is just now starting on the road to industrialization and before that all these are brought up. I was just thinking over

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this last night; I did not know whether we should weep or laugh over this. I thought it is better to weep. After all, even taking the question of the labourer, what is it that Government is going to do for them? Is it going to help the trade? No. A few will be given holidays and enabled to spend their time in enforced idleness. But side by side with that there will be the crusade against the employers. The Inspector or the constable will come round and ask me or somebody else: 'You have done a thing which is not contemplated under the Act? What do you say?' The person will have to satisfy him and get along as usual and thus it will not be the employee that will be benefited. Let us take the English law. It says that the shop is a place where business is carried on and includes retail trade and a retail trade is one which deals with customers and which includes both buying and selling. This Act first says something about shops and then tells something with regard to others and it is with regard to this I require a clarification from Government. Regarding the hours of work, it is not a thing which is going to be brought into operation immediately in so far as there is to be an enquiry and they have to come to a decision. Let us take section 9; 48-hour week is the rule; I do not know on what basis they have arrived at this 48 hours."

THE HON. DR. P. SUBBARAYAN:—"It is 48 hours in England and they are agitating for a 40-hour week."

SRI B. NARAYANASWAMI NAYUDU:—"There is one substantial thing given to the employees and that is they are given 36 days' leave in addition to the weekly holidays. Mr. Adityan, Mr. Sarma and Mr. Suryanarayana Rao supported their case; they have also got clerks and I do not know how they took the view they did. We can give them their holidays but there is one condition and that is that the trade must be a paying one. If there is less profit or less production, what is to happen? It does not provide for holidays when there are surpluses. When no surplus is available, is the Gandhian Government going to make a free gift of idleness to those persons? I wish to know what their programme is. 'From each according to his ability' is the socialist slogan and after that is the question of 'to each according to his worth.' In other words, only if you give, you get something according to and on the basis of what you gave. To the extent that you gave to that extent you make yourself deserving. Are you sure that labourers in this country have really put their shoulders to the wheel and done six days' work. Suppose they really work, will the employee deny them this holiday for a week? I do not know what is the guarantee of work that my hon. Friends, Mr. Sarma, Mr. Suryanarayana Rao and Mr. Adityan have given; if production on their part is guaranteed, we can understand this. If you do this, where is it to come from? Is it going to come from the Exchequer? If so, everybody will be glad. But the pity is it is not so. All told 36 plus 52, 88 days in the year, for 88 days the employees can enjoy holidays. Further there is provision for half-holidays. I do not know whether the Hon. Minister himself would like being bothered with half-holiday for these workers and that and fixing

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different half-holidays for the different classes of workers. Taking all this, my only question is, where is it to come from. So far as I could see, there is nothing in the Bill which says that if surplus is available, the holidays will be granted; I can understand if the whole surplus is taken by the employer and little or nothing is given to the employee. Supposing there is a loss, what is to happen? Supposing a shop-keeper employs two clerks and his business does not pay and he sustains a loss; is he to keep on his clerks? What about his family? Am I to take it then that it is in respect of his family also? What is it that you are legislating here? Is there any surplus fund available first of all before you distribute. Clause 41 says—

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'No employer shall dispense with the services of a person employed continuously for a period of not less than six months, except for a reasonable cause and without giving such person at least one month's notice or wages in lieu of such notice, provided, however, that such notice shall not be necessary where the services of such person are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held for the purpose.'

I was wondering whether it would not be possible to sit over the Inspector some way or other to say that there is misconduct. I have got to prove misconduct. But where is the other reasonable cause I must prove? What is a sufficient reason? Suppose I say 'he is an ass; he is inefficient.' He may know things, no doubt. But he cannot work at all. Is that inefficient man to be kept on by me for all time? Is he not to be dispensed with? Are you to go to the Inspector and prove his misconduct? Is he a servant or a master of me? Is he a tail or a head? I think in the Shops Act of England there is no such right. I speak subject to correction. The only thing you find is closure. But this thing, namely, that after twelve months continuous service your servant cannot be discharged, you cannot discharge a clerk, the shop assistant must sit upon your head, the Inspector must debate upon the misconduct and inefficiency of the clerk, is not provided there. It does not appeal to me nor is it at all justified. It only shows a weak attitude on the part of the Government to have brought forward this legislation without undertaking any enquiry. I would submit that we have got other Acts that will affect the worker. With workers on one side and the clerks on the other, and the Inspector sitting over them, who is the man that would like to do business in the world, I do not know. If you really cannot dismiss a man after 12 months service, where will this lead to? I do firmly say that we are not going to grant the principle. It is not going to help the revival of trade. You have got to increase your establishment. It will raise the price of articles. Mr. Muthuranga Mudaliyar said that even in the foodgrains shops people would have eight hours work and holidays. The foodgrains shops may say that they must employ two more clerks to work on account of these holidays and the restriction of hours. They may probably not employ the clerks, but they will take the money and eat it. The Inspector will come and enquire, and all these things will go on. Is trade so prosperous

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in this country? Has the Congress Party multiplied the resources of this country so much that we can spare a lot of money? Is it merely because of sentiment? Is this to be an empirical legislation? Is there no reason for all this? These are all questions waiting to be answered. Even in this country the Shops Act does not provide such things."

THE HON. SRI H. SITARAMA REDDI :—" The Bombay Act, 1939, has all these things."

SRI B. NARAYANASWAMI NAYUDU :—" England does not have it. Of course I am speaking subject to correction. It goes to the root of the matter. It is not a question of industry or trade. What has been done with regard to the Coimbatore mills I ask? The mills cannot act upon the adjudicator's award. 'We would close the mills,' they say. If the industry is not able to pay, and the mills are not able to discharge their workmen, what can they do but close their shop. This Bill will lead to all subterfuges, and demoralize the trade and commerce of the country and not at all help labour. It will accentuate the trouble between capital and labour. From textile mills, it will go to grocery shops. There also trouble will come. The trouble will go into the villages also. The agricultural labourers will say 'we want holidays,' when the crops are withering. When the fields are in an eroded condition, the labourers will ask for holidays. Therefore, I say it is really not helping labour. Would I, a lawyer, having seen this Act, employ a clerk for 11 months, put him off then, and again take him in. On the other hand, my clerk would not leave me whatever may be said. He is making money and I am also making money. But there are other cases where both the persons do not make money. What about them? It is very easy to pass measures like this. The consequences of the Bill must be seriously thought of. It is not very easy to understand the principles and table amendments. It is no Secretariat work. Therefore, I submit even on first reading that it is not at all to our material advantage. If you want to pay labour as in Europe, we cannot compete in international trade and international markets. If you want to pay labour here as in Europe, Simpson & Co. will have all the business, and our China Bazaar shops will have to disappear. This is strangling labour and industry and not at all helping labour. What is being done by the mills at Coimbatore? Sir, this Bill will only be creating a crisis for which there is no necessity."

* SRI M. NARAYANA RAO :—" Mr. President, Sir, I never had any intention of taking part in this debate, but as there is plenty of time (laughter), and after hearing the arguments of Mr. Narayanaswami Nayudu, I think I should put in a word on behalf of the suffering section of humanity—the shop assistants and other employees. I do not know why there should be so much opposition against this measure which is intended to give some relief to the shop assistants and employees. This is a thing that has been long overdue, and the shop-keepers and their employees have been agitating and looking up to the Government for a legislation."

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of this kind. We know the capitalist can take care of himself, and the Government need not give any protection to him. Some hon. gentlemen have pleaded from the point of view of the consumer, and some other gentlemen have pleaded from the point of view of the employer. The employer and the consumer have to be satisfied. But what is to become of the employee? He has been tyrannized more or less by the so-called higher classes who make tons of money. We know there are shops, hotels and other places where tons of money are made every day, but the employee does not get any relief. Therefore it is they look to Government to give them some relief. Because they are poor, they are not able to assert their own rights, and they cannot depend upon themselves. Hence they look to Government for a legislation like this. If an employer is good, if he is charitable to his employee and if he gives him all the comforts, I do not know why Mr. Narayanaswami Nayudu should be so anxious about the employer. (Interruption by Sri B. Narayanaswami Nayudu). There are people who make tons of money. It is the poor employee who earns the money for him. Are there not people who make tons of money and who are also cruel to their employees, I ask? There are hundreds and thousands of people who make lot of money. Every employer is selfish to the utmost, and he wants to extract as much work from his employees without giving them any amenities. There are of course a few generous exceptions. I do not deny that. But the majority of the employers are very selfish, and want to extract as much work as possible without paying ample remuneration and giving them all facilities that are necessary. This is a very simple measure. I congratulate the Hon. Minister for bringing forward this measure. I know that the employees will ask for greater relief. I do not think this Bill goes far enough to give them sufficient relief. They would like to have some gratuity in their old age. The employer takes work from his employees, makes them work from morning till evening, and sometimes till late in the night. When these employees get old, they are left helpless in the wilderness. So, there must be some security for the employee after the age of 60—insurance or gratuity. I am certain that the employees will not get satisfied with what is given under this Bill. I appeal to Government to give them more relief when the time comes. There are no associations of employees all over the country, and they have been clamouring for a legislation of this kind. In Bombay, the Shop Assistants Act is being worked very successfully. Mr. Narayanaswami Nayudu said that there was no legislation of this kind in foreign countries. I think in England there should be a legislation of this kind to protect the employees. Otherwise the employers are perhaps very generous to their employees. It is the duty of the employer to show kindness to the employees, to treat them as part of his own family, to treat them as men, and to give them all help. I do not find these conditions are obtaining to-day in this country. If there are any they are only a few. So, I believe that a legislation of this kind is absolutely necessary. It is already long over due. I congratulate the Hon. Minister on having brought forward this Bill."

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* SRI B. BHIMA RAO :—“ For the same reason stated by Mr. Narayana Rao, I may also make a speech for about five minutes.”

MR. PRESIDENT :—“ I do not want to curtail you ; you may go on.” (Laughter.)

* SRI B. BHIMA RAO :—“ I am in agreement with the principles of the Bill. I have got the same apprehensions as Mr. Narayanaswami Nayudu has. The definition of ‘ shop ’ is so comprehensive as to include a lawyer’s office also, because we render service there to our customers or clients. So, when this matter goes before a Court of Law, it may be that they give a very liberal interpretation. My Hon. Friend, Dr. Subbarayan, said that he could exempt it from the notification. But, I think, Sir, the notification is restricted in its scope. In sub-clause (1) (c) of clause 4, only certain establishments under the Central and Provincial Governments, local authorities, the Reserve Bank of India, the Federal Railway authority, etc., are exempted. As you know, Sir, we have got two months’ holidays, and our clerks take holidays even in advance of us. They do not serve us in these two months. They take our permission for leave, and some times they take three or four more days as French leave! For the rest, I am in agreement with the principle of the Bill in giving holidays to the shop assistants.”

* SRI N. VENKATACHALAMAJI :—“ అధ్యక్ష, పరిశ్రమ శాఖ మంత్రి గారు ప్రవేశపెట్టిన ఈ బిల్లుపై రెండు చూపు సంగతులు మనవి చేస్తాను.

“ Chapter II, Section 7 లో కొట్టులను ప్రభుత్వమువారు నిర్వచించిన వేళకు ముందు తెరవకూడదని, అదేవిధంగా నియమితమైనటువంటి వేళకు మించకుండా మూయవలసినదని వున్నది. Income tax పనిచేశాగాని Sales tax పనిచేశాగాని కొట్టు తెరవవలసి ఉండవచ్చును. వారు 12 గంటలకు వోటీను యిచ్చి 3 గంటలకు పుస్తకములు తనిఖీ నిమిత్తం తీసుకరమ్మనమని కోరినపుడు 4 గంటలకు కొట్టు తెరవవలసిన వేళ అయినపుడు 3 గంటలకు తెరచినవారిని ప్రాసిక్యూట్ చేయటకు ఆవకాశముంటుంది.”

MR. PRESIDENT :—“ ఈ చట్టం అమలుచేసేటప్పుడు వోటీను ఇవ్వడం విషయం ఆలోచిస్తారు.”

SRI N. VENKATACHALAMAJI :—“ ఈ బిల్లులోనే ఆ విషయం చేర్చిన వాగుంటుందని నేను ఆశకొంటున్నాను.

“ ఒక్కొక్కపుడు కొట్టు ఏ 4, 5 నిమిషములకో మూసివేస్తారనే సమయంలో ఉద్యోగస్తులు సామానులు కొనటానికి వస్తారనుకొండి. సాధారణంగా సామానులు కట్టి ఇవ్వటానికి సుమారు 20 నిమిషాలు కావలసి వస్తుంది. కాని గుమ్మాలు, నాకర్లు 4, 5 నిమిషాలలో కొట్టు మూసివేసి వెళ్లిపోతామని ఆనవచ్చు. ఇంకా 4, 5 నిమిషాల time ఉన్నదికదా సామానులు ఇవ్వమని కొనుక్కోనేవారు ఆనవచ్చు. ఇలాంటప్పుడు వర్తకుడు చిక్కులు పడవలసి వస్తుంది.

“ కొన్నిచోట్ల వర్తకుల యిల్లు, కొట్టు విడివిడిగా దూరంగా ఉంటాయి. కాని కొండరి యిల్లు, కొట్టు కలసి ఒకేఇంట్లో ఉండవచ్చు. అలాంటప్పుడు వర్తకుడు ముందుగా కొట్టు తెరచి సామానులు తానే అమ్మకొనుటకు కూడా ఈ బిల్లులో అవ

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కాశములేదు. దీనివల్ల గుమస్తాలకు, వాక్లకు కష్టములేకపోయినా వర్తకుడు సరుకు అమ్ముకొనకూడదు. అలా అప్పుకుంటే ఆతనిని prosecute చేయడానికి కూడా అవకాశముంది. సరకు అమ్ముకపోయినా కొట్టు యిల్లు ఒకటే అయి భుంజడంవల్ల వర్తకుని prosecute చేయవచ్చును.

“ 8 వ Chapter లో Inspector లను వేయవలసినదిగా ఉన్నది. Inspector లను ఈ పనికై ప్రత్యేకముగా వేసేవానికన్న ఈ పనిని ఇప్పుడు మునిసిపాలిటీలలో ఉంటున్న (కాఫీ టెలాట్రన్ల లైసెన్సులు, వగైరా విషయములు చూస్తున్న) Inspector లకు అప్పగించిన గవర్నమెంటువారికి ఖర్చు తక్కువ ఉభయద్వంద సుఖమి చేస్తున్నాను.

“ ఈ బిల్లువల్ల లాభము జూసిగా ఉండదు గాని లంచ గొండితనము ఎక్కువ అవటానికి అవకాశమున్నదని నాకు ఆనుమానముగా ఉన్నది. ఈ సలహాలను చేస్తూ ప్రభుత్వమువారు ప్రతి సాధించిన ఈ బిల్లును విలశరచుచున్నాను.”

MR. PRESIDENT:—“ Dr. John may speak now. The discussion has been purposely kept going on for his sake! ” 12.30 p.m.

* DR. V. K. JOHN:—“ Mr. President, Sir, the one object of the Members of the Opposition and the members of the Public is to give every support to the Government of this Province and of this country if possible. Because, Sir, we are in difficult times and we want to keep up the prestige of this Government in every way as we lawyers know that it is necessary to keep up the prestige of the Judges in the court. Once it is destroyed the administration of law will disappear and the lawyer's job will go. Now, Sir, we want to keep up the prestige of this Government wherever possible and wherever feasible. But it becomes necessary at times that we should offer constructive criticism and point out to the Government that the course they adopt—and they have been recently adopting such a course—will prejudice this Province in every way. Sir, I take full responsibility in saying that the procedure adopted by the Government in many measures and the many pieces of legislation they have introduced is calculated to drive this Government to bankruptcy and not only this Government, but also individuals to bankruptcy. The statement will not surprise any one, Sir, if we have an overall view of what this Government have been recently doing. They have been destroying sources of income; instead of augmenting it. The Sales Tax Bill will soon be here. I am referring to it only for the purpose of pointing out how this Government is trying to kill the goose which lays the golden egg. Sales tax can be introduced in a Province only if there is a corresponding imposition in the neighbouring Indian States and Provinces. Otherwise capital will fly from this Province and you will have nobody to tax. The Government think that revenue can be obtained that way and they will be bringing not only themselves into bankruptcy but by the policy which they are adopting they will bring the individuals also into bankruptcy.

“ I may refer to another instance here, Sir. Fourteen crores of rupees have been spent in procurement and distribution of foodstuffs. But very little attention has been given to production and we bear

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nothing about it, except one Minister saying : ' We shall hereafter try to bring cultivable land into cultivation.' I am mentioning this because it is relevant to this legislation. What is this piece of legislation which the Government have brought forward?

" In these days, Sir, when we have a war the Government would have done better, if instead of their Ministers wasting their time like this, they spent their money in security measures and the Members of the Council and the Members of the Assembly were asked to co-operate with them in security measures and our time is not wasted. What is this measure? They want to regulate the contract between the employer and the employee, in shops, commercial establishments, restaurants, theatres and other establishments. It is a fundamental principle of law based on public policy and for the good of the individual and the community as a whole that you should not interfere with the contracts made by persons with each other. You must not try to regulate them unless one party is weak and the other party is too strong. Even in those cases the principle is that you should interfere with great caution because interference will not at all help either the individuals or the community as a whole.

" Now, Sir, in order to deal with the contracts or the conditions of service in all departments, trade unions have been brought into existence of late and we have the India Act of 1926 and in England also there are Trade Union Acts which regulate and legislate trade unions. Sir, it is the function of a trade union to regulate the dealings between the employer and the employee. There are a number of commercial establishments, restaurants, theatres and shops in this Province and one differs from the other. You cannot have one kind of service for every shop and theatre or other establishment. The employer and the employee know what should be the best conditions of service. The conditions of service must be left to them. They must make contracts. But if there be any oppression by the employer then the trade union formed for the protection of the employees will come in. The trade union in each case ought to investigate and come to conclusions as to what should be the relationship between the employer and the employed in any particular institution. Instead of regulating the pay, holidays and other relationships between the employer and the employee of any establishment, whether big or small and whatever be their nature, the Government should leave it to the trade unions and encouraged trade unions.

12.45 of Government not to intervene in any disputes between the
p.m. employees and the employers. Employees who number thousands might have disputes and differences with their employers. The trade unions and the employers attend to them. It is only when they cannot settle the disputes, the Government appoint courts of enquiry and boards of conciliation in order to assist them to come to a settlement. No trade union leader will go to extreme lengths, because once he does so he will himself be dismissed.

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" Sir, without the existence of these shops, the commercial establishments, restaurants, theatres, etc., with which this Bill is dealing, there will not be employment for many thousands of people. This Government—I must say it was Mr. Prakasam's Government—adopted a policy calculated to making this Province bankrupt. I do not say that was their object in view, but what they did was calculated to make this Government bankrupt. They wanted to stop the Mills which produced the cloth imagining that khaddar can be produced for everybody. If they had closed down the mills, the result would have been that many would have become bankrupt, there would have been a reduction in taxes paid to the Government and thousands would have become unemployed. Sir, you must step up production in everything. To assist production you must have distribution through a very large net-work of distributors. When we, lawyers and members of other learned professions and legislators, talk about legislation regarding trade, people who know something about trade say that we are destroying the usual trade channels. When we want to get rid of middlemen, they say that the usual trade channels would be gone and that would bring ruin.

" Now, Sir, let us take cloth. We want to produce as much cloth as we can, not only to supply our own needs but also for export. How can that cloth be distributed? And without proper distribution, production will be no good at all as the cloth will be in the godowns. You want a net-work of thousands and thousands of cloth shops. If you do not have a number of wholesalers and retail dealers to distribute the cloth produced, production itself would be impossible. Sir, all the shops that we are dealing with in this Bill distribute some kind of things which are essential for the life of the community. We want thousands and thousands of them so that production may be improved, distribution may be perfect and the community may be benefited. You propose to introduce legislation controlling the contract between the employer and the employee. You also tell the employer that he must pay the employees so much, that he must give them so many holidays in the year, that he must give them this and that, and that you will control them in every respect with your inspectors and so on. Besides, Sir, every small shop-keeper must study this piece of legislation which takes in 53 sections. To-day, the members of the legal profession are sought after by big establishments. After this Bill is passed, every small shop-keeper should have a legal adviser for him to explain this complicated piece of legislation."

MR. PRESIDENT :—" So, the hon. Member supports this legislation." (Laughter.)

* DR. V. K. JOHN :—" *Prima facie*, it would appear that lawyers stand to benefit. But when the shop-keepers close their shops, not only the lawyers will not benefit, but the Government also which depend on the prosperity of the people for their income will become bankrupt and the lawyers will not be benefited. In any recent legislation there is a tendency to reserve everything for

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the Government. For 'commercial establishment' the Government give a definition and in the end say that it includes such other establishments as the Provincial Government may, by notification, declare to be commercial establishments. Why can't they dispense with the definition altogether and say that a commercial establishment is an establishment declared in due course by the Government to be such and such?"

MR. PRESIDENT :—" I may just tell the hon. Member that some time back when he was not here, the opinion was expressed that even the legal profession also might we come under shops."

* DR. V. K. JOHN :—" I am not very much concerned with that now. Let us take section 13 which deals with opening and closing hours. It says that they would be fixed by the Provincial Government by general or special order in that behalf. Not even a lawyer can help these people, because in section after section the Government reserve powers to themselves. You will have to find out the notifications and copies of gazettes will have to be sold in thousands and if you want a copy of the gazette you will be told that for want of sufficient paper only a few copies were printed. Out of these 53 sections, I can read to you a very large number of sections where the Government have reserved to themselves the power. Not only that, the Government are also given the power to delegate their powers in any matter which is reserved to them. So all that is reserved to them is also reserved to their subordinates. Not only that, they get rid of the jurisdiction of the courts as they have always done in recent legislation. Then, Sir, the Provincial Government 'may, by notification, suspend for a specified period the operation of all or any of the provisions of this Act.' So, the Government are given power to suspend this piece of legislation which we have passed. The executive wants powers to add, subtract, suspend and delegate the provisions of this Act. Have you ever in any civilized country with a democratic form of Government seen a legislation like this?

" Sir, we have very often requested the Members on the other side to support us in our motions regarding Bills. This they will not do. They should at least fight in their Congress Party meetings against this kind of legislation. To pass this kind of legislation through this House reflects no credit to the Government, or to the Legislature or to themselves.

" Sir, the Government are trying to regulate the contracts between the employers and the employees. These employees are certainly not ordinary labourers. They know something and without leaving them to regulate their contracts the Government want to regulate their contracts. What is the basis? Have they made an estimate of the number of employees in all these shops? Have they received complaints from them? Have they encouraged trade unions among them, so that for instance, if a restaurant is not dealing with its employees in a fair manner, a meeting of the trade union of restaurant workers may be called and they may put pressure on the restaurant proprietor or ask the Government to

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assist them and give their good offices? They have done nothing of the sort. Because somebody in charge of legislation takes it into his head that something must be done, they produce a legislation like this.

"I was saying, Sir, that the policy adopted by civilized Governments is to assist the parties to a trade dispute to settle their own disputes by appointing boards of conciliation or courts of enquiry. The Trade Disputes Act, 1929, contains provisions for the appointment of tribunals and for adjudication only in the case of essential services. The others were left alone. Why? Because it is impossible in the very nature of things that a third party could come in between the employer and the employees and regulate their relationship. If the employer does not do business, there is nothing to regulate. Everything is finished. Trade unions are always conservative institutions and they do not go too far. The other day in the case of a small mill in Andhra Desa the adjudicator gave an award for the payment of so much to the employees. The mill was bankrupt, it closed down immediately and thousands of employees were thrown out of employment. To pass an award that an employer should pay so much without knowing whether he can afford to pay it, is doing an injustice not only to the employer, but to the employees and also to the community. I would have appreciated if the Government had brought forward an Unemployment Insurance Bill on the lines of the Unemployment Insurance Act of 1935 in England. It would have been of some assistance. Have this Government at any time made an estimate of the number of unemployed in this Province? Have they helped the unemployed to find work by stepping up production of cloth, by bringing more lands under cultivation and by cultivating the existing land more intensively? That would have done good to the public at large. The Government should have first found out how many able-bodied men are unemployed and should have introduced legislation on the lines of the Unemployment Insurance Act in England. But they have done nothing of the sort. Somebody in the Secretariat, someone assisting the Minister says that it is a very good thing to regulate contracts between shop assistants and their employers. That goes into the head of a very enthusiastic Minister and he says that it is right. No investigation is made and nobody knows whether there is any general complaint from employees against employers and if so, what is the nature of the complaint. Nobody has investigated whether such complaints could not be first dealt with by trade unions. Nobody has promoted trade unions and nobody has employed courts of enquiry and boards of conciliation. But they come forward in the Legislature with an Act containing 53 sections which is to be studied by the employers in shops. The Act is not translated in the regional languages.

"Sir, the fundamental principle of law is this. I think the Hon. Dr. Subbarayan has not forgotten his law. The fundamental principle is this. Ignorance of law is no excuse. The employers and employees have to mug up 53 sections. A contract between

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the employer and the employee, which they have been carrying out very well, is regulated, controlled and cancelled by this Act. It is atrocious that you pass a legislation like this with 53 sections which should be studied by all the shop assistants. They must spend a lot of time to study it and they must attend classes to learn the Acts. As I said the other day, the Public Service Commission is supposed to be on a holiday. Some days back, the amount of travelling allowance drawn by Ministers for tour in their districts was published. It created such a commotion that it was talked about at the Bar Association, at the beach and at the clubs. Some Ministers have spent about one hundred rupees a day on travelling. Such things bring discredit to the Government. We are anxious that the Government which are functioning in this Province should not be discredited at all. Because we are in difficult days and we may be in war, if we are not already in, the prestige of the Government must be kept up. Even after the whole thing is published in the papers—of course, some papers did not publish it—and the attention of the public has been drawn to it, no Minister who has spent one hundred rupees a day in touring his district has come out with an explanation."

(After lunch—3 p.m.)

DR. V. K. JOHN :—" Sir, before lunch, I was on the question of the prestige of the popular Ministers. I said that in these difficult days, popular Ministers should keep up their prestige, because if we want people to come in line with the Government, or at any rate if we want to maintain the security of this Province, we must depend upon the popularity and the prestige of the popular Government. That is why, Sir, we are always reluctant on this side to discredit them or criticize them harshly and we are always anxious to support them in all measures which they bring forward, if we can possibly do so.

" Sir, I was referring this morning to the Ministers' tours and how they discredit themselves in the eyes of the public and how it was difficult for us to explain them to the public. It is only with that object that I referred to it.

" Now, Sir, I want to emphasise this fact that any legislation which the Government bring forward must aim at stepping up production. Distribution is absolutely necessary for production, because production cannot be of any use to the public unless there is distribution. Now distribution depends very much on the small trader. We want thousands and perhaps millions of small traders both for buying and selling. Otherwise goods cannot move. These traders should have employees in their shops, and therefore they enter into some contract with the employees and take them to their service. Now the question is whether we should interfere with such contracts made between the employer and the employee.

" Sir, one of the fundamental principles which any Government should always bear in mind is that they should not lightly interfere with the sanctity of contracts. The employer and the employee

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know very well, what suits them best. But, Sir, there may be some cases where the weaker employee may be oppressed and there may be some widespread evils in the system and discontent among the employees on account of service conditions. But there are trade unions to look into these matters and the Government can help them only in labour disputes, not by awards and adjudication but by conciliation and by enquiry, conciliation by the officers of a popular Government whose advice will be respected and enquiry into the facts which the employer and the employee may not know and cannot get at. That is why Sir, you find in all labour legislations, provision is made for a court of enquiry and a board of conciliation. It is only in very rare cases that compulsion is used between the employer and the employee by the Government.

“ Sir, in very essential services, essential for the life of the community, provisions are made for compulsion. But that is resorted to only in a very limited sphere. For instance, when the war was on, under the Defence of India Rules compulsion was resorted to, to keep the employer and the employee at work. But after the war was over, our popular Governments came into power, and they thought that they would earn popularity if they made some provision for compulsion for the benefit of the employee, not knowing that the demand for employment again depended upon supply and demand. Now, Sir, look at the provision in this Act. Section 41 says: ‘No employer shall dispense with the services of a person employed continuously for a period of not less than six months, except for a reasonable cause and without giving such person at least one month’s notice or wages in lieu of such notice, provided, however, that such notice shall not be necessary where the services of such person are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held for the purpose’.

“ Now, Sir, it did not strike the draftsman of this Act that this is a fundamental provision in the Act and that he should define what is meant by a ‘reasonable cause’ and what is meant by ‘misconduct’. These things are left in the air. What will be the result of this legislation? If an employee is dismissed, he will say that there was no reasonable cause, and the employer will say that there was a reasonable cause. We do not know what is a reasonable cause, and there will be no end to the dispute, so long as the term ‘reasonable cause’ is not properly defined. So also is the case with the term ‘misconduct’. The employer will say that it is a case of misconduct and the employee will deny it. Thus there will be endless litigation. But the point is, why should I be a party to this legislation? I raise my voice of protest against this provision in this Bill, in which the terms are left vague and they open a fruitful field for litigation.

“ Now, Sir, I am worried about the vagueness of the language used. In almost every piece of legislation introduced by our popular Government, the English language has been murdered, and it seems that because we have got rid of the British rule, we can murder the King’s English as we like. But, Sir, we are

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necessarily interested in the clarity of the language used in Bills and Acts. What will be the result of this Act, Sir, when it is passed? Every employer will make use of section 41 of the Act and see that he does not employ his servants for six months in his office. He will dismiss his servant on some pretext or other before the sixth month and he will avoid all the troubles presented by clause 41 of this Bill. The result will be that nobody will get any permanent service, because if the employer keeps his servant for more than six months, he cannot easily dispense with his services. Suppose I want to dispense with the services of a person employed by me, who has put in a service of more than six months, I cannot do so by giving him a month's pay, as has been the practice hitherto. In addition to that, I must show a reasonable cause, because the word used in the clause is 'and' and not 'or'. I do not know what the Government mean by 'and'. Perhaps they think that 'and' means 'or'. But the word 'and' and not the word 'or' which is used. Therefore, as I said just now, if an intelligent employer wants to get away from this section, he can see that no man is employed in his office for more than 5 months and 29 days. He can dispense with his service before the sixth month and then re-employ him afterwards. Sir, this Bill does not say that re-employment is prohibited. The draftsman of this Bill does not know whom this Bill protects. I think this is an atrocious piece of legislation, not protecting the people whom it is intended to protect. It tends to demoralise the employer, and makes him do something which in his conscience he does not want to do.

"Now look at another provision of this Bill, namely, clause 17. It says: 'No child shall be required or allowed to work in any establishment'. Sir, under this Bill, the child is defined as 'a person who has not completed 14 years'. If a boy has completed 13 years, he should not be employed in any establishment. Sir, there are a number of jobs which can be done by boys who are 12 and 13. How are you going to find employment for them? Is there any legislation which gives them compulsory education up to the 14th year, feeding and clothing them all the time. Now you say that this boy shall not be employed. If he is employed, an inspector will come and prosecute the employer. Is it in the interest of the boy or his parents who want him to be employed in any trade where he can learn something and at the same time earn something? If you pay him even a rupee, it becomes employment. This Act prevents employers from employing thousands of boys whom they are now having under their employ without any evil effect on them or the employer, but with good result for both. This Ministry wants to control individual life. Though this Ministry is stated to be a popular Ministry, it is really a control Ministry. It wants to regiment every man's life. It wants to interfere with the employment of people and now it has enacted a legislation by which it can even extern any person. It has excluded the jurisdiction of the civil court.

"Sir, I do not wish to go into the details of this Bill. If you go through this Bill, you will find that there are provisions in it which

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are against the interests of persons whom it is intended to protect. There are enough provisions which hurt the persons whom the Government want to protect. Why? Because there is no intelligent brain behind the drafting of this Bill."

SRI S. B. ADITYAN :—" May I know, Sir, whether there is any law which does not affect the individual of the State in any way? "

DR. V. K. JOHN :—" I am glad, Sir, that the hon. Member has put that question. It is the fundamental principle, Sir, that the freedom of the individual should not be interfered with, unless his freedom is inconsistent with the security of the State and against the good of the people and of his own good. If you prevent a boy from getting employment, is it for the good of the community or the security of the State? I say it is not. In some cases there may be bad employment, but such cases are few. What is the law after all? These popular ministers must learn at least one fundamental principle of legislation and that principle is this : Law is the idea of right or wrong in the community. Law is a living thing; it grows because the idea of the community grows. Has the community demanded that boys of 13 years 11 months should not be employed in an establishment? Let the community condemn it as an evil; then let some legislation be brought in. It is the community's idea of right and wrong that you have to see, even as the common law in England has grown up. That law has been administered by judges conversant with the ideas of the people; they find that a particular conduct or act of an individual is condemned by the people and they condemn it. They find that a particular act is approved by the people and they enforce it. Therefore, the first question is : was there any general demand, was there anywhere anything said by any responsible body of persons that a boy of 13 years 11 months cannot be employed in any capacity whatsoever in any establishment and cannot earn Re. 1 in these difficult days when the poor people want income earned not only by the father and mother but also by the boys in the house? Now, why should in this Legislature, pass a Bill like this? I say it is atrocious; there has been no demand for it; it is unjust to the employer and unjust to the employee and also unjust to the community as a whole; it prevents children from being employed. This ministry prevents it; it says you cannot learn and you cannot earn. There are many other provisions like this. This Bill, according to me, leads to many evils. Altogether it leads to at least five evils. First, it will lead to unemployment because employers will be chary to employ anybody on the conditions mentioned in this Bill; they will try not to employ them if they can. Then, Sir, employment itself will depend upon the income of the employer. Suppose I have to give 150 days as holidays to my clerks; then my fee will go up because I have to find the money to pay them. Otherwise, I will not practice. When the shop-keeper finds that his establishment costs him so much, he will put up the price of the goods which he buys and sells, and this will prejudice the community as a whole. The Government should not think that by

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legislating that the shop-keeper or the establishment should pay higher wages to the employee, the employee will not increase the price of the articles to consumers or purchasers of those goods. In that way this is against the interests of the community. Again, not only will it lead to unemployment and to a rise in prices, it will also ruin many employers because it will affect adversely, when this Act comes into operation, many of the employers, with the result that many of them will become insolvents; you will be creating bankruptcy of many individuals in the province; when I say 'many', it means not hundreds but thousands and tens of thousands. Your Bill will be conducive to the bankruptcy of the individual and it will also contribute to the bankruptcy of the State. Again, this Bill is oppressive. You delegate your authority to others; you cannot yourself administer this Bill without some Government officers, ill-paid officers; these 53 sections will never have been read or studied by the poor shop-keeper and you will, through your officers, find many loopholes in his conduct and you will sit tight on him. These officers will get their food and their clothes from the shop-keepers and plenty of money also. So, it will lead to corruption; it will corrupt both the giver and the taker. Has the Minister who is responsible for this Bill contemplated how many thousands he has to employ for the purpose of administering this Bill? You have to find out whether every employer is keeping to the terms of this Bill. We are now spending, I am told on authority, about Rs. 12 crores on Government establishments. It has not only doubled but trebled during the last few years. Our normal revenue which was Rs. 30 crores has been cut down by this Ministry's policy by about half. We are already paying Rs. 12 crores to the Government officers and they demand more payment, because the policy of this Government has been to inflate prices. Unless you step up production, nothing can be done to bring down prices. The other day I brought to the notice of the Hon. Premier and also the Minister for Industries and the Director of Industries that there is a great national asset in Coimbatore, a great genius, a man with the highest talent for invention; one like him may not be born in a thousand years; there is none like him, I can say, in the whole of India; if there was one like him in Russia or any other country the Government would have gone to him and made use of his talents—I am referring, Sir, to Mr. G. D. Nayudu who has made so many inventions in industry and in agriculture and I have myself seen some of them. Nobody seems to have taken notice of what he has done and what he is doing. The previous Government, not being interested in encouraging industries in this province, allowed him reluctantly to open a technological institute; he has invested money, he will invest more money and he will also stop production of goods which we import to-day but the Government will not look at him. I wrote to the Hon. Premier and I have told the Premier and the Minister to go and have a look at his factory."

MR. PRESIDENT :—"What has all this to do with the present subject?"

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DR. V. K. JOHN :—" I am saying all these to show that instead of stepping up production, the Ministers are spending their time in producing legislation like this which will ruin the distributing agencies, which will ruin the shop-keeper, which will create unemployment, which will demoralize the public service, which will increase the expenditure of the Government because you want thousands of people to enforce the provisions of this Bill if it is passed into law."

MR. PRESIDENT :—" The hon. Member has already taken nearly an hour."

DR. V. K. JOHN :—" I will take five more minutes to finish. Very few like criticism of the Government. If you will kindly allow five more minutes, I shall finish."

" I was saying it would demoralize the Government servants, it would demoralize the shop-keeper, it would demoralize the employee. He will say ' I shall serve you for six months ' to the employer, but the latter will say ' I cannot employ you for six months ' and the man will have to say ' yes, ' because somehow he wants a living."

" Sir, it is always said that control and blackmarketing go together. I say, control, blackmarketing and corruption, all go together. Therefore this Bill which would do incalculable harm and the purpose of which would have been served in the normal course by encouraging trade union, this Bill which would do great injustice to the trade and to the relationship between the employer and the employee in this country, this Bill I suggest to the Government, should be dropped. I know they will not take my advice; they won't drop this Bill; it would affect their prestige; they will go on with this Bill. But I say again, it is my duty to tell the Minister, ' drop this Bill '. On the other hand, encourage trade unions because the man in charge of the trade union will know how much an industry or trade can give to the employee, how much an employer can give; by all means assist them by courts of enquiry, assist them by boards of conciliation. That is the one way to regulate the relationship between the employer and the employee. I ask you to do that; I also ask you to introduce legislation on the lines of the Unemployed Insurance Acts of 1935 in England. Let the Government concentrate their attention on insurance for the unemployed, on old age pensions, etc. Those are the things which Government can at any time legislate upon, because without legislation such things cannot be carried out. I invite the Hon. Minister to spend some little time in studying the Unemployed Insurance Acts in England. If the Government won't accept my advice, I ask them to open up large numbers of schools, thousands of them all over the Province, so that the employees of the Government, the shop-keepers and their employees, all may be instructed in this Act containing fifty-three sections. Employ members of my profession and pay them decently and let them interpret, although

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they will find great difficulty in interpreting this Act so loosely worded. Anyway, ignorance of law is no excuse; they must have classes to teach these persons. I advise the Government also to have this Bill translated into all the languages of this Province and see that people are able to read them, to understand them and then act according to these provisions thereof. Sir, the Government have brought many Bills in this Council, but one piece of legislation in the provisions of which I can see the forerunners of communism or bolshevism is his piece of legislation. Because, they will create such a confusion between the employee and the employer that disputes will be raked up unnecessarily and the result will be, that not only will many leave this Presidency and invest their money outside but the disputes between the employer and the employee will grow to such an extent that you will find communism introduced into this Province much earlier than we all expect."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Mr. President, Sir, my object in speaking for a few minutes on this Bill is to invite the attention of Government to certain fundamentals which deserve consideration, in the passing of legislative enactments dealing with labour and capital. I do realize that in the past, labour has not had that appreciation of its difficulties and that appreciation of the need to improve its conditions that a Government alone could have given effect to; and it is largely because of this that there is at present a wave of feeling against capitalism in general and in favour of labour in all realms of activity.

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" At the same time, Sir, it is necessary for us to realize that in the legislation that we enact, we put in such conditions as will enable the three essentials to be satisfied in regard to the interests of the country. I plead firstly for national efficiency; secondly, I plead for a certain amount of national prosperity; thirdly, there must be a certain amount of national self-sufficiency which will enable the nation to progress from stage to stage. Therefore, the Acts that are passed by the Legislature should conform to these essential facts. The nation as a whole should prosper. So, any legislation which seeks one extreme or the other, whether on the side of capital or labour, may perhaps kill the industries of the country. Mr. Narayanaswami Nayudu referred in a slight degree to that aspect of the question. If, therefore, I offer a few remarks, it ought not to be construed that thereby one is trying to prop up the interests of capitalism or that one is against labour. Sir, in this country, we have not done anything at all for many many years in the way of a legislation for improving the working conditions of labour. For the first time, somehow or other, we are trying to copy the most objective legislation that has been passed in other countries, and in fact, we are trying to improve upon it. I shall show presently, how in several respects, this legislation goes much further than the legislation that has been passed in England—I mean the Shops Act of 1934. Again, I find that the present Act is more or less, in a measure perhaps, a replica, adapting certain provisions that have been passed by the Bombay Legislature. Sir,

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the Bombay Legislature need not necessarily be the model for this Province to copy. There are several other advanced countries, countries which are very much advanced than we are, which have to be taken as our models. I want to emphasize this aspect of the question. This country is not alone now and cannot dispense with the future of its own conventions, as we are now in a shrinking world of international competition. What is the thing that we have to look to in this field of international competition? Unless we are in a position to stand up and face the international competitors on terms more or less of perfect equality, the result will be that we shall be inundated by international competition and we will not be in a position to give even the smallest amount of relief to those in whose interests we are passing this legislation.

" Sir, in times of crises, when nations are faced with difficulties in regard to national prosperity and when Governments have not put by any other means, they feel their hands and pass legislations which may affect the country as a whole. At such times, they have also to justify and to keep in abeyance certain of those provisions with regard to hours of work and the manner in which people should discharge their duties. Whatever may be the result of passing a legislation, we should give the people a certain number of hours of work and also make their working conditions very plain. We should not give the labour longer hours of work than those fixed in the legislation. Our passing this legislation and fixing the hours of work in regard to the various enterprises should not be considered the maximum hours of work for a man who has got to work for his living. I think it will be ruinous to the prosperity of the individual, to the family and the State if we are to take it that a person who works for 48 hours irrespective of the nature of the work that he has to carry on, is necessarily doing a week's good work. It may be that you may more or less limit the number of hours for any particular industry. I hope and trust that it will not be construed as the maximum amount that a person has got to turn out. I know of many professions which involve much greater strain—I am speaking of my own profession in which we have to work for hours and hours, day in and day out, without rest. Many of us have worked not for 48 hours but for 72 hours or even 90 hours. No legislation can possibly restrict the hours of work of doctors who have got the interests of the profession at heart and the interests of the patients at heart. So, here is a certain amount of necessity; but when a certain amount of uniformity is to be applied when it comes to details as to how this uniformity should be applied, I think, a great deal of consideration is necessary. In this Act, shops are defined nowhere. It will include the village pawn-broker, the village beedi merchant and the village shop-keeper who deals in 'Pan' and betel-nuts and also any person who probably carries on a big business at Mount Road. Already it seems to me that there is not a little amount of variation in regard to these shops that are in the village, in the rural areas and in the towns. So, if that dead level of uniformity was adopted, it would not be possible, without

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trying to keep the measure that has been passed, a dead-letter, to see that those shops are properly worked and that there is the necessary incentive for the shop-keepers and other persons who work them.

" Sir, provision has been made to which reference has already been invited about the employment of children and young persons. It says: 'No child shall be required or allowed to work in any establishment' and secondly, 'No young person shall be required or allowed to work in any establishment before 6 a.m. and after 7 p.m.' This Act gives power to anyone to investigate the age of a child that is employed. It is difficult to find out the exact age of a child in this country. In England, where a Child Act exists, there is a Register of Births and they can easily verify the reasonable age. Every birth is registered in England and can be easily verified, from the registers maintained in each and every village. Here, in this country, there is no such register and in actual working of this Act, there may be a great deal of difficulty in imposing some of the provisions of this Act and in satisfying oneself that the Act is properly worked. It is stated that no young person shall be required or allowed to work in any establishment before 6 a.m. and after 7 p.m. It is absolute. I do not know if any exemption is to be made because the Shops Act of 1934 that has been passed in England provides that there should be a certain amount of relaxation. It says:

'(1) A young person who is employed about the business of a shop shall in every period of twenty-four hours between midday on one day and midday on the next day be allowed an interval of at least eleven consecutive hours which shall include the hours from ten o'clock in the evening until six o'clock in the morning :

Provided that the said interval of eleven consecutive hours need not include the hour between five and six o'clock in the morning in the case of male persons between the ages of sixteen and eighteen years who are employed during that hour in connection with the collection or delivery of milk or bread or newspapers.'

So, there is a great deal of variation that must be accepted even in the nature of work to be carried on in an establishment. So, if there is any work after 7 p.m. or earlier than 6 a.m. it means that either you must prevent them being employed at those hours or it would be more or less necessary to try to get over this difficulty in a circumlocutory manner. In England, it has been allowed that a young person can work from 10 a.m. to 12 noon. There is also another provision in regard to restaurants which makes it possible for a person to work for a longer period. Provision has been made in the present Act that a person may work for forty-eight hours in a week and that he may also be allowed to work, subject to payment of overtime wages, up to fifty-four hours in a week. But, in England, it is laid that a person can work for 60 hours or even for 72 hours in certain cases, provided the period worked does not exceed over two weeks. We have to take the interests of these

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restaurants into consideration because there are fairs and festivals and how these restaurants could carry on if this sort of restriction is imposed? It is well known that these restaurants serve a public purpose and so, they deserve consideration. It is stated in the Act that a person can work up to fifty-four hours in any week and he will be paid the overtime wages. But, it seems to me that in actual working of this Act, it will almost come to a stalemate, if not a dead-letter. In the English Act, the period is specified as two weeks whereas it is not so here. As I have stated already, a young person who is employed in a business should be allowed at least an interval of eleven consecutive hours. The hours in which he will work will be from 10 to 2 o'clock and there should be an interval of about 20 minutes to 45 minutes. Supposing a person goes to a shop at 11-30 in the morning, you cannot give him an interval of one hour unless you make provision for two shifts. Not only it is provided in this Act that he must have an interval for meals or refreshment or lunch for about 20 to 45 minutes but it is also stated that for every four hours of work, he must necessarily be given one hour interval irrespective of the nature of the work in which he is employed. That seems to me to be unworkable. It will not help either the employer or the employee.

"Then, Sir, it is laid down that penalty should be, for the first offence—I think I am correct in saying—it is Rs. 25 and that for the subsequent offence it is Rs. 250. If you take the Act in England, in the case of the first offence, the penalty is £1, in the case of the second offence it is £5 and in the case of the third or subsequent offences, it is £10, irrespective of the nature of the establishment. So, it comes to this. For the first offence, it is about Rs. 13-8-0, for the second offence, it comes to Rs. 65 to Rs. 70 and for the subsequent offences, it comes to about Rs. 135."

DR. V. K. JOHN:—"Here the concern is the income to the Government. They want more money."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"The Hon. the Minister will understand that there is the law of diminishing returns and so, if more money is required by the Government, it must be spread wide enough. It cannot be got by imposing severe penalties. If the person cannot pay such heavy penalties, he will simply file an insolvency petition."

MR. PRESIDENT:—"It is not the avowed object of the Government."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"I am coming to the last point and I may point out this. Any measure that is passed here should necessarily conduce to the national economy and security of the state. We should not merely talk in terms of the employer and the employee. We are interested in both. I do not think any hon. Member of the Legislative Council or the Assembly could say that he is only for the employee or that he is only for the employer. My hon. Friend, Mr. Sarma, I am sure, does not lose sight of the employee but he need not speak always for the employee because there are others also who are

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advocating their cause. It is in the capacity of the employer that the safety of the employee lies and if the employer loses all the wherewithals, there will be very little progress for the employee. I think the time has come when the House should take a comprehensive view of the problem and constitute a committee which will go into this question. Hon. Members may be aware of the case of a particular mill industry which has come to the notice of the Government and which the Government are thinking of closing down merely for the sake of stopping a tussle. So, difficult times are ahead of us. It is therefore necessary that we ought not to pass a legislation creating a situation where the interests of the employees may be jeopardized. I am all for looking after the interests of the employees in various ways. One of the most pleasing sections in this Act is with reference to amenities for health that has been put in. I think there are certain other sections in Chapter V which deal with the conditions of work. I would plead for compulsory insurance of labour and for sickness benefit. As my hon. Friend has also suggested, I would plead for unemployment, insurance and old-age pensions. So, let us take a comprehensive view of all these aspects of the question. Piecemeal legislations in the interests of labour are not really going to prove to be ultimately in their interests because some other section may be so hardly affected that the employees may not find it possible to get all the relief about which the Government have probably given them expectations to look forward to. I would, therefore, plead once again that, as nowadays labour legislation is the order of the day—and quite rightly for many years, it has not been done and Government would do well in taking up labour legislation to consider the different legislations passed in other countries and to adapt them to the needs of this country, taking it as their basic objects that whatever legislation may be passed, it must ultimately promote national economy, national self-sufficiency and national efficiency."

3-45
p.m. THE HON. SRI H. SITARAMA REDDI:—"Sir, as befitting this House, this Bill has been criticised quite severely in some respects and has been welcomed partly by some members of the House as being general and not going to the extent it ought to go. Sir, so far as the Assembly was concerned, this Bill was criticised as not going far enough to meet the demands of labour and that several provisions have been omitted, but in this House, as I have been listening to the debate from yesterday, I have been told that this is a piece of legislation which is going to bring ruin to this Province. An hon. Member also brought in the Bolshevic bogey along with other criticism that he made. I can assure the House that no Bolshevic bogey need be brought into this Bill and there is no reason to apprehend all that has been apprehended by some of the hon. Members. It is a simple piece of legislation and let me say one thing in this connexion. This piece of legislation has been on the Statute Book of the Province of Bombay from 1939 and to-day Bombay has not gone to rack and ruin as some of our friends have sought to visualize the effects of this Bill. So, Sir, I can insure hon. Members that no such thing will happen.

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" Mr. Narayanaswami Nayudu wanted Government to furnish information about the number of people that are going to be affected by this Bill, the capital invested in the various shops, restaurants, commercial houses and all the rest of it. Sir, as I have already told the hon. Member, it is not possible for us now to get statistics as to the number of shops and the shop employees, but the object of the Bill has been to protect the interests of all the shop assistants so that their conditions of service may be beneficial to them and that they may be given the necessary holidays and so on. That is the sort of thing provided in this Bill.

" So far as the question of holidays is concerned, you might remember that there is already the Weekly Holidays Act that is being observed in Madras even now. The additional thing that we are now giving under this Bill, is 36 days. As I have already stated, hon. Members know that the Weekly Holidays Act is in vogue so far as this Presidency is concerned.

" Now, the question has been raised as to whether by this kind of legislation we are not bringing this Province into a state of bankruptcy, as Dr. John was pleased to remark. I can assure him that this piece of legislation is not going to bring the Province into bankruptcy, but with workers who are satisfied with getting adequate periods of rest, adequate number of holidays, I am sure, their health will considerably improve and they will give more efficient and more courteous service. Those for whom this legislation has been brought forward by the Government will understand the spirit with which this Bill has been brought forward by the Government and that they will see that they justify the great trust that Government have placed on them by giving them all these facilities, so that they may be able to show courteous service to the public and also increased efficiency to the employers of the various establishments in which they work.

" Again, Sir, certain specific clauses were taken and some hon. Members have pointed out certain defects in them. I think I need not go into those clauses at this stage because when we are going clause by clause I think it will be time enough for me to reply to the criticisms as each clause comes up for discussion. I thought hon. Members would not go into the merits of each clause but now that several members have touched upon them, I think when each clause is taken up I shall be able to satisfy them as far as I can, about the necessity and correctness of the clauses that have been referred to by hon. Members.

" Sir, one hon. Member was saying that this Act is absolutely general in character and that the entire power is given to the Government. For instance, one of the hon. Members referred to the section relating to lighting. He said that it is left to the Government to provide what lighting should be proper and what ventilation should be provided for these establishments. I can tell him these things are not necessarily provided in any Act, but that they are provided for under the rules. Under the rule-making

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powers under the Act necessary safeguards will be taken to see that proper ventilation is provided in the various establishments to which this Act will apply.

" Sir, the criticism that several provisions of this Bill are of a general character, cannot stand. An Act like this is bound to be general, because it has to be applied to various things, it has to be applied to different kinds of establishments, different kinds of trade and to different places. Again, hours of work in a particular place cannot suit another place and opening and closing hours might differ from one trade to another and from one commercial establishment to another. So, Sir, Government have reserved the power to enquire and to fix up necessary hours in respect of various establishments.

" Sir, reference was made by some hon. Members as to the number of holidays provided for in the Act. Excluding 52 holidays now enjoyed by all people, it would add another 44 days, the 36 days provided in the Act and 8 other holidays for festivals, so that the number of holidays will roughly come to 96. (Dr. A. Lakshmanaswami Mudaliyar: 'Including half holidays?') In so far as the half holidays are concerned, it is left to the Government to decide. That is not provided in this Act. Under the Act it will be 96 holidays in the year excluding other holidays.

" Several hon. Members spoke about how this Act was going to affect the consumer. Sir, even now in several of the enlightened establishments where provisions of this Bill are in vogue the prices already in vogue are continued and they have not increased the prices from what they are in others. So, Sir, the fear that the consumer's price will go up is not well-based. After all the people now employed will continue to be employed and only the hours of work will be changed but, at the same time, with increased efficiency the outturn of each shop is bound to be the same if not increased. So, Sir, the fear entertained by some sections of the House that consumer's price will go up is not well-founded and I am sure no such thing will happen.

" A strong plea has been made in the interests of the employer and it has been criticised that this legislation is more on the side of labour and that we are being hustled to do this kind of thing just for the sake of prestige. Sir, I may tell hon. Members that there is no question of prestige in this but it is a question of merely doing our duty towards labour which has been handicapped for long and to bring in the needed relief to those poor workers in various commercial establishments, restaurants and other places so that every employer will be compelled to see that these provisions are applied to their establishments so that the poor worker may be helped.

" Then, Sir, a question was raised about child labour. Sir, I am surprised that this question should have been raised. We have been all pleading that child labour should as far as possible be avoided and this Act only provides for what has been demanded in all countries and also all the world over. The trend everywhere

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has been to prevent as far as possible child labour being utilized because the child must be allowed to have a healthy growth so that he may become a useful citizen of the State and that is the only principle of which this legislation has provided that child labour should be avoided.

"Sir, some hon. Members made suggestions about unemployment, insurance, old-age pension and several other amenities. Sir, all these things should be done, but when hon. Members are creating such a bogey even in respect of this legislation I do not know what kind of reception will be got from them when legislations relating to social security and things like that are placed in their hands. I am glad that whatever may be their attitude to this Bill, they will not offer such criticisms when those measures are brought forward by the Government but that they will give their wholehearted support to them.

"Sir, in conclusion, I must thank all hon. Members for the various criticisms that they have offered and I look forward to their complete support in passing this Bill through this House."

MR. PRESIDENT:—"The motion before the House is that the Bill to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other purposes, as passed by the Assembly (L.A. Bill No. 15 of 1947), be taken into consideration at once."

The motion was carried.

(4) THE MADRAS NON-POWER FACTORIES BILL, 1947.

THE HON. SRI H. SITARAMA REDDI:—"Sir, I move—

'that the Madras Non-Power Factories Bill, 1947' (L.A. Bill No. 16 of 1947), as passed by the Assembly, be taken into consideration.'

"Sir, this is a Bill almost similar in several respects to the Bill that has just been discussed in this House. It is intended to regulate the conditions of labour and to make provision for the welfare of workers in places and premises where the Factories Act now does not apply and it is intended to provide certain amenities which are available to the workers under the Factories Act in the regular factories to non-power factories also. The whole object of the Bill is to see that the workers in the non-power factories get the needed holidays, security of employment and measures for their health and safety. There is also a provision in the Bill for the appointment of the necessary inspecting staff to enforce these measures. Sir, at this stage, I do not want to say much more than this, except to move that the Bill be taken into consideration at once."

* SRI P. R. K. SARMA:—"I welcome this legislation. Sir, as one of its kind has been long overdue. The Factory Act provides for the control and supervision of establishments which employ

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a particular number of workers and also those which use power, electricity or steam. It has been found, Sir, in the course of the working of the Factories Act that employers, clever as they are, and with all the resources they have even in the legislature, circumvent the Act. They reduce the number of employees or show on the attendance a lesser number of persons than they actually employ. For example, Sir, in some printing establishments and even in certain newspapers proclaiming nationalist views and even socialistic doctrines actually employ a number of persons but show only less than ten persons on the attendance. Others are shown as casual workers engaged from day to day. The benefits given to the workers according to the Factory Act are thus denied by showing a lesser number of people on the rolls. Then, Sir, there are large establishments working under factory conditions but not actually using electric or steam power. There are a large number of beedi factories and other establishments which employ a large number of children. For example, Sir, in the beedi factories, boys, especially Muslim boys, and Depressed class boys of seven and eight years are employed. One of the questions asked is what will they do for their food? It is not proper that these children whose mothers and fathers cannot take care of them should be allowed to be exploited by unscrupulous employers. We know of such children in the city of Madras in Washermanpet, Rayapuram and also in the mufassal, Sir, in the cashewnut industry in Travancore, there were children working without any limitation of hours and their hands were blistered with the juice of the nuts. I made an appeal to the Dewan of that State, Sir. C. P. Ramaswami Ayyar, and he was pleased to bring the cashewnut factories under the Factories Act. Some justice was done to these poor children. The largest number of child workers are in these beedi factories. They do not strictly come under the definition of a factory and yet they are large enough. Therefore, a piece of legislation like this is absolutely necessary to protect people who are employed in shops which do not strictly come within the Factories Act. Sir, I say that a legislation of this kind is long overdue.

“ Dr. John when referring to the other Bill said that there are no trade unions and there has been no demand from the workers for legislation. I am sorry to find that he is ignorant of the fact that shop assistants and workers in commercial establishments are better organized to-day than those in factories. There are about 200,000 hotel workers in the province and they have nearly 100 trade unions to-day. In the city of Madras there are two big trade unions for those employed in hotels and any number of unions of beedi workers and commercial employees. There are also some other unions for employees in chemist shops.”

DR. V. K. JOHN :—“ I did not say that there was no trade union. I simply said that they should exercise their rights and put forward demands.”

SRI P. R. K. SARMA :—“ We have had a number of enquiries about their grievances but the committees, the adjudicators and enquiry courts have made only pious recommendations by which

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the workers have not been helped in any way. I have seen a large number of them during the last twenty years but they are unable to help the workers in the absence of an essential and necessary legislation. While welcoming this Bill, I am sure that China Bazaar will not disappear as Dr. John said. But on the other hand they are making larger profits than even the mill-owners. There are number of social legislations in foreign countries and in other provinces. They have not become bankrupts. I do not say that we should have the interests of labour alone and should not think of the employers at all. We do not say anything of that sort. It is recognized that the employers should prosper and make profits or else the workers will suffer. We do not seek to eliminate the employers. What we want is that the State should look after the interests of the workers and protect them. The employers are able to take care of themselves. They make money, they have support even in the legislatures, of very clever lawyers like Dr. John, Sir. The workers are, on the other hand, at a disadvantage and unless a legislation is enacted mere trade unions will not be able to do much good. I am glad that this piece of legislation has been brought forward and I support it."

DR. V. K. JOHN :—" I have not had much time to study the clauses of this Bill, Sir."

MR. PRESIDENT :—" Shall we take up the discussion to-morrow? "

THE HON. SRI K. MADHAVA MENON :—" The Bill can be discussed clause by clause to-morrow. I think we can have the general discussion to-day."

DR. V. K. JOHN :—" We are tired and we should have only three hours sitting. We are elders."

THE HON. DR. P. SUBBARAYAN :—" What about the Assembly? We sit there from 11 o'clock to 5-30 in the evening."

DR. V. K. JOHN :—" We want a short discussion on the general aspects of the Bill to-morrow for half an hour."

MR. PRESIDENT :—" I now adjourn the House to meet again at 11 a.m. to-morrow."

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APPENDIX I.

[Vide answer to starred question No. 126 asked by Sri S. B. Adityan, at the meeting of the Legislative Council held on the 7th November 1947, page 669 supra.]

Note on the working of the Grow More Food Campaign under the Hindu Religious Endowments Board.

The Grow More Food Campaign to intensify the cultivation of food crops in lands belonging to religious institutions was started by the Hindu Religious Endowments Board in 1943. The Board was, from time to time, issuing circulars to all the temple authorities (trustees and paid servants of the Board) in districts emphasising the need to bring every bit of uncultivated land under cultivation. During their tours, the President and Commissioners of the Hindu Religious Endowments Board impressed upon the trustees and paid officers of the Board the necessity to put forth their best efforts for the improvement of temple lands and submit their proposals to the Hindu Religious Endowments Board for sanction. Special provisions for expenditure were also made in the budgets of several religious institutions in connection with the Grow More Food activities. Conferences of trustees and paid officers of important religious institutions were held and problems that arose in executing the Grow More Food Campaign in actual practice were discussed and solved. In July 1944 when the Assistant Commissioners for the Hindu Religious Endowments Board were appointed, they were directed to bestow special attention to study the agricultural position of the lands of every religious institution and to give suitable directions to the trustees and paid officers for effecting improvements in the cultivation of temple lands. The trustees of temples and the paid officers were also instructed to avail themselves of the subsidies and similar concessions offered by Government for the purpose of sinking new wells and for making adequate provisions for proper manuring to increase the production of food crops. In 1945, two Special Agricultural Demonstrators were appointed to investigate the scope and for effecting increased cultivation. During the period, they inspected the lands of various religious institutions and in their inspection notes, made several recommendations and these recommendations were communicated by the Hindu Religious Endowments Board to the executive authorities of the concerned temples with instructions to carry them out and to put them into effect promptly after submitting plans and estimates and obtaining the Board's sanction.

The progress made by the religious institutions ever since the starting of the Grow More Food Campaign till 30th June 1947 is as shown below :—

	ACRES.
(1) Waste land reclaimed and brought under cultivation	683
(2) Dry land converted into wet	4,641
(3) Single crop wet land converted into double crop	5,533

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APPENDIX II.

[Vide answer to starred question No. 132 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 7th November 1947, page 678 supra.]

Statement showing the particulars of districts visited, number of days spent and travelling allowances drawn by the Hon'ble Ministers from 1st April to 31st July 1947.

Hon'ble Ministers.	Districts visited.	Number of days spent.	Travelling Allowance drawn.
			RS. A.
1 Hon'ble the Premier.	Bangalore	1	828 0
	Trichinopoly	1	
	Coimbatore	2	
	Chingleput	1	
	Chittoor	1	
	Ramnad and Madura	5	
2 Hon'ble Minister (Food).	South Arcot	1	3,337 1
	North Arcot	2	
	Chingleput	1	
	Tanjore and Trichinopoly	10	
	Coimbatore	1	
	Ramnad	1	
	Madura	7	
3 Hon'ble Minister (Local Administration).	Delhi	7	2,302 10
	Chingleput	2	
	Kistna and Guntur	13	
	Cochin	4	
	Anantapur	4	
	South Arcot	3	
	Trichinopoly	4	
	The Nilgiris	6	
4 Hon'ble Minister (Home).	Kurnool and Cuddapah	5	657 8
	Coimbatore	1	
	The Nilgiris	1	
	Tanjore	5	
	Salem	3	
	Trichinopoly	1	
	Ramnad	2	
5 Hon'ble Minister (Education).	Tinnevely	1	4,762 13
	Calcutta, Benares, Patna, Delhi and Simla.	15	
	Chingleput	1	
	Coimbatore	14	
	Tanjore	5	
	Madura	4	
	Kurnool	2	
	Vizagapatam	3	
6 Hon'ble Minister (Public Health).	Malabar	1	1,798 12
	Bellary	2	
	Trichinopoly	1	
	South Kanara	8	
	Coimbatore	1	
	Chingleput	2	
	South Arcot	1	

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Hon'ble Ministers.	Districts visited.	Number of days spent.	Travelling Allowance drawn. RS. A.
7 Hon'ble Minister (Public Works).	Chingleput	5	2,401 11
	Tanjore	3	
	Madura	2	
	Coimbatore	1	
	Nellore and Chittoor	7	
	Trichinopoly	2	
	Malabar and the Nilgiris	5	
	Tinnevely	6	
8 Hon'ble Minister (Revenue).	South and North Arcot	7	1,876 11
	Kistna and West Godavari	5	
	East and West Godavari	8	
	Tanjore	9	
9 Hon'ble Minister (Prohibition).	Nellore	1	3,439 4
	Trichinopoly	2	
	North and South Arcot	4	
	Salem	2	
	Chingleput	4	
	Tanjore	3	
	Madura and Trichinopoly	9	
	Coimbatore and the Nilgiris	7	
10 Hon'ble Minister (Rural Develop- ment).	Tinnevely and Ramnad	21	2,449 14
	Kistna	1	
	Anantapur and Bellary	3	
	Vizagapatam	3	
	Trichinopoly	1	
	Kistna	12	
	East and West Godavari	2	
	Malabar	3	
11 Hon'ble Minister (Agriculture).	North Arcot, Salem and Coimbatore	15	2,164 3
	Chittoor	1	
	Madura and Ramnad	3	
	Nellore	3	
	North Arcot	4	
	South Arcot	3	
	Malabar and British Cochin	13	
	Coimbatore	8	
12 Hon'ble Minister (Industries).	Nellore	1	1,396 11
	Chingleput	1	
	Trichinopoly	2	
	Malabar	4	
	Madura	9	
	Bellary	5	
	Cuddapah	5	
	Anantapur	3	
13 Hon'ble Minister (Finance).	Coimbatore	3	1,497 7
	Nellore	1	
	Chittoor	1	
	Cuddapah	4	
	South Arcot	4	
	The Nilgiris	10	
	Vizagapatam	2	
	Nellore	8	
	Chittoor	1	
	Cuddapah	4	

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APPENDIX III.

[Vide answer to starred question No. 133 asked by Sri R. Suryanarayana Rao, at the meeting of the Legislative Council held on the 7th November 1947, page 679, supra.]

GOVERNMENT OF MADRAS.

PUBLIC (P. & D.) DEPARTMENT.

PRESS NOTE No. 123.

Fort St. George, dated 18th September 1946.

The following note has been issued by the Director of Information and Publicity, Government of Madras:—

The attention of the Government of Madras has been drawn to certain statements and comments in a Section of the Madras Press about the location of a Hydrogenation Factory at Kurnool by Birla Brothers. In view of the misapprehension that these statements and comments are calculated to produce in the public mind, Government desire to publish the following facts which should clarify the position in that connexion.

It is not a fact that this Government granted or recommended the grant of any licence to Birlas. As Birlas placed orders for two Vanaspathi plants in England before the Government of India introduced the scheme for the registration of imported capital goods in December 1944, they were entitled to import the machinery. Further under section 298 of the Government of India Act, 'no subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them shall . . . be prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in British India. In view of the peremptory provisions of this section Birlas cannot in fact be prevented from putting up their factory anywhere in British India. It must be further clearly understood that the allocation to Birlas does not cut into the Vanaspathi quota of 21,000 tons allotted to this Province by the Government of India.

In May 1945, the Government of India stated that their immediate plan was to increase the All-India production of vegetable ghee to the extent of a lakh of tons a year and that in that scheme the quota reserved for Madras was 21,000 tons and proposals were invited for implementing the plan. The Madras Government then selected seven firms or persons and recommended their names to the Government of India. The names of the companies which have been recommended for the purpose are—

- (1) The Vizagapatam Vegetable Oil Products, Limited.
- (2) The Madras Vanaspathi, Limited, Villupuram.

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- (3) Messrs. Sudarasan Oil Mills, Limited, Katpadi.
- (4) Bharat Vanaspathi Manufacturing Company, Tadepalli.
- (5) Messrs. Karnatak Vegetable Oils and Refineries, Limited, Hospet, Bellary.
- (6) The Vegetols, Limited, Chittoor.
- (7) Messrs. The East Asiatic Company, Madras.

The Government of India accepted this Government's recommendations and granted the necessary licences for the import of machinery and issue of capital. Subsequently the Government of India allotted a further quota of 9,000 tons under the immediate expansion scheme and that enabled three of the companies already selected to establish factories of 20 tons daily capacity instead of 10 tons. Under the immediate expansion scheme only one company, i.e., Messrs. The Karnatak Vegetable Oils and Refineries, Limited, Hospet, was granted an import licence by the Government of India to import the necessary machinery for running a ten-ton daily capacity Vanaspathi factory.

In 1944-45, the Ceded Districts produced about 675,400 tons of groundnuts or about a third of the total production of the Province. There were only 128 expellers while at least 250 expellers are necessary for converting the entire produce of the Ceded Districts into oil and cake. Further the Karnatak Vegetable Oils and Refineries, Limited, can consume only a little over three thousand tons of oil per annum as against the total oil production of the Ceded Districts of about two lakhs of tons per annum. There is, therefore, vast scope for the expansion of the Vanaspathi as well as oil crushing industry in the Ceded Districts. This Government are willing to consider sympathetically applications for the establishment of new Vanaspathi factories in the Ceded Districts when further quota is allotted to the Province by the Government of India.

Birlas originally wanted to build a Vanaspathi factory in Guntur district. The Advisers' Government after correspondence and personal discussion with Birlas' representatives suggested that instead of having their factory in Guntur district they may have it in Nandyal or Kurnool.

Subsequently this Government learnt that they were endeavouring to instal the plant in Sandur State. Messrs. Karnatak Vegetable Oils and Refineries, Limited, Hospet, complained to this Government that the establishment of a large factory in the State would adversely affect their small factory in Hospet and that this Government should take steps to prevent Birlas from setting up their factory as contemplated.

At this stage the representatives of Birlas again discussed the matter with this Government, and the Government having considered all aspects of the matter came to the conclusion that

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the establishment by Birlas of a large Vanaspathi factory in an Indian State within the Province would be against the interests of the Province for the following reasons :—

(1) that the Province has a very large exportable surplus of groundnut kernels and groundnut oil;

(2) that the capacity of Birlas' factory is outside the quota allotted to this Province;

(3) that by locating their factory in an Indian State, Birlas will, while using the groundnut oil of this Province, deprive its people of advantages which could have accrued to the Province by the establishment of a large-scale industry, such as employment of labour, better prices for the local groundnut grower, income from Sales tax to the Province and Income-tax to British India;

(4) that the Karnatak Vegetable Oils and Refineries, Limited, have found it difficult to raise their capital inside the Ceded districts; and

(5) that by allowing the location inside the Province, Birlas can be persuaded to co-operate instead of competing with the other small factories proposed to be established in the Province.

Government are glad to be able to announce that subsequently Birlas have agreed to float a Joint Stock Company in which half the shares will be reserved for the people of this Province and that in respect of sales of Vanaspathi they will co-operate with the smaller units instead of competing with them. They have also agreed to limit their Managing Agency Commission for a large plant like theirs to 10 per cent of the net profits and an office allowance of Rs. 1,000 per mensem, which they will not draw until the factory commences production. They have further agreed to purchase groundnut oil from local millers.

The Government of Madras make it clear that their objective to encourage local enterprise and capital has not undergone any change and that preference will be given to local enterprise and capital at all times in the starting of new industries, regard being had to the interests of the Province.

C. V. HANUMANTHA RAO,
Director of Information and Publicity.

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APPENDIX IV.

[Vide answer to starred question No. 134 asked by Sri S. B. Adityan, at the meeting of the Legislative Council held on the 7th November 1947, page 680 supra.]

Statement showing the shares issued, shares paid up and debentures issued in respect of the Andhra Paper Mills Company, Ltd., Rajahmundry, as per balance sheet of the Company on the 31st March 1947.

Authorized Capital—

RS.		RS.	A.	P.	RS.	A.	P.
20,000	Ordinary shares of Rs. 100 each.	20,00,000	0	0	..		
3,000	Cumulative 6 per cent preference shares of Rs. 100 each	3,00,000	0	0	23,00,000	0	0

Subscribed Capital—

11,290	Ordinary shares of Rs. 100 each (subject to the 40 per cent discount in respect of shares issued to the share-holders of the C.P. Mills, Ltd., in terms of Memorandum of Association of the Company	11,29,000	0	0	..		
1,162	Six per cent cumulative preference shares of Rs. 100 each fully paid up in cash	1,16,200	0	0	..		
		12,45,200	0	0			
		120	0	0	..		
	Less Calls in arrears				12,45,080	0	0

Seven per cent First Mortgage Debentures—

	Secured on the entire lands, buildings, Plant and Machinery of the Company	..	6,00,000	0	0		
	Interest accrued and outstanding on the above debentures as up to 31st March 1946	3,13,876	13	3	..		
	Interest accrued during the year 5 per cent	30,000	0	0	3,43,876	13	3

Six per cent Second Mortgage Debentures—

	Secured on the entire lands, buildings, Plant and Machinery of the Company as aforesaid by way of a second charge, at 5 per cent	..	5,00,000	0	0		
	Interest accrued and outstanding on the above debentures up to 31st March 1946	1,25,000	0	0	..		
	Interest accrued during the year 5 per cent	25,000	0	0	1,50,000	0	0

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APPENDIX V.

[Vide answer to starred question No. 135 asked by Sri B. Narayanaswami Nayudu at the meeting of the Legislative Council held on 7th November 1947, pages 681 supra.]

Statement showing the quantities of coal and coke consumed in the several districts of the Province during 1945-46.

	Distributed through Provincial depot-holder appointed by Provincial Coal Controller.	Direct allotments to various industries on the recommendation of Provincial Coal Controller.	Direct allotments to brick kilns (Slack coal Industries).	Quantity of fuel curing and redrying factories by Central Government.
	TONS.	TONS.	TONS.	TONS.
Kistna	50	480	..	108,080
Guntur	32	220	40	
Vizagapatam	33	80	..	
East Godavari	62	60	80	
West Godavari	11	20	220	
Madura	20	60	..	
Trichinopoly	15	40	..	
Tinnevely	12	40	100	
Tanjore	14	..	..	
Malabar	18	60	..	
Coimbatore	24	280	..	
North Arcot	28	360	..	
Bellary	15	40	..	
South Arcot	9	320	..	
Salem	20	..	..	
Nellore	3	60	..	
Anantapur	9	80	..	
Kurnool	6	20	..	
Chingleput	2	240	320	
Chittoor	2	..	..	
Ramnad	13	..	80	
Cuddapah	..	..	20	
Madras	431	1,100	2,460	

During 1946-47.

	Distribution through Provincial depot-holders (in charge of dealers appointed by Provincial Coal Controller).	Direct allotments to various industries on the recommendation of Provincial Coal Controller.	Direct allotment to brick kilns.	Quantity allotted to the fuel curing and redrying factories.
	TONS.	TONS.	TONS.	TONS.
Kistna	50	560	..	108,080
Guntur	32	413-1/3	..	
Vizagapatam	33	373-1/3	..	
East Godavari	62	133-1/3	60	
West Godavari	11	146-2/3	20	
Madura	20	260	20	

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			Distribution through Provincial depot-holders (in charge of dealers appointed by Provincial Coal Controller).	Direct allotments to various industries on the recommen- dation of Provincial Coal Controller.	Direct allotment to brick kilns.	Quantity allotted to the lime curing and redrying factories.
			TONS.	TONS.	TONS.	TONS.
Trichinopoly	..	..	15	20	..	..
Tinnevely	..	..	12	60	..	..
Tanjore	..	..	14	40	..	..
Malabar	..	..	18	20	..	..
Coimbatore	..	..	24	253-1/3	..	..
North Arcot	..	..	28	100	..	..
Bellary	..	..	15	126-2/3	..	..
South Arcot	..	..	9	220	..	..
Salem	..	..	30	26-2/3	..	..
Nellore	..	..	4	40	..	..
Anantapur	..	..	9	73-1/3	..	..
Kurnool	..	..	6	140	..	..
Chingleput	..	..	2	33-1/3	120	..
Chittoor	..	..	2	..	..	..
Cuddapah	..	..	2	33-1/3	..	..
Ramnad	..	..	13	..	..	..
South Kanara	..	..	..	6-2/3	..	..
Madras	..	..	432	1,126-1/3	1,300	..

1945-46.

Statement of distribution of coal and coke—Industrieswar
(by direct allotment).

(Figures in tons.)

	FOD.	GLS.	DST.	CHM.	POT.	OLE.	DAB.	JAL. & SS.	RUE.	ENM.	ENG.	PWD.	MIS.	Total
Kistna	20	..	160	40	40	20	..	..	..	60	20	80	40	480
Guntur	..	..	..	..	..	180	..	..	..	..	..	..	40	220
Vizagapatam	..	..	40	..	..	40	..	..	..	..	..	..	80	80
East Godavari	..	..	..	..	..	..	..	20	..	..	..	40	60	60
West Godavari	..	..	..	..	..	..	..	..	..	..	..	..	20	20
Madura	..	..	..	..	..	..	..	..	..	60	..	..	60	60
Trichinopoly	..	..	..	..	..	..	..	..	..	..	..	..	40	40
Tinnevely	..	..	..	..	..	40	..	..	..	..	..	..	..	40
Tanjore	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Malabar	..	..	..	120	..	..	..	20	20	..	40	40	60	280
Coimbatore	..	..	..	..	240	..	..	..	..	20	..	40	40	360
North Arcot	100	..	..	..	..	..	..	..	..	..	..	40	..	40
Bellary	100	..	140	80	..	..	..	..	..	..	..	..	..	320
South Arcot	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Salem	..	..	..	..	60	..	..	..	..	..	..	..	..	60
Nellore	..	..	..	..	..	80	..	..	..	..	..	..	..	80
Anantapur	..	..	..	..	..	..	..	..	..	..	..	..	20	20
Kurnool	..	..	..	..	240	..	..	..	..	..	..	..	..	240
Chingleput	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Chittoor	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Ramnad	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Madras	80	220	..	40	..	60	20	..	..	100	80	40	460	1,100

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1946-47.

Statement of distribution of coal and coke—Industrieswar
(by direct allotment).
(Figures in tons.)

(1)	(2) M.S. & FWD.	(3) LMS. (Lime burning).	(4) GLS. (Glass).	(5) ENM. (Enamel).	(6) SOP. (Soap).	(7) LTH. (Leather) & RRL. (Rerolling).	(8) POT. (Pottery).	(9) MWW. (Municipality).
Kistna	40	20	6-2/3	13-1/3	..	..	..	..
Guntur	..	..	..	..	33-1/3	13-1/3	26-2/3	..
Vizagapatam ..	20	6-2/3	..	..	..	..	..	140
East Godavari ..	33-1/3	13-1/3	..	..	..	..	53-1/3	20
West Godavari ..	..	20	..	..	..	..	13-1/3	..
Madura	..	..	..	..	..	..	..	240
Trichinopoly ..	..	..	..	..	..	13-1/3	..	..
Tinnevely	20	..	..	..	..	..	..	40
Tanjore	..	..	..	..	..	..	..	..
Malabar	..	..	..	..	13-1/3	..	..	..
Coimbatore	40	..	..	26-1/3	..	..	..	..
North Arcot ..	..	..	..	..	..	..	..	..
Bellary	20	..	..	..	..	..	..	..
South Arcot ..	..	..	..	..	..	..	..	..
Salem	20	..	..	..	..	..	..	..
Nellore	..	6-2/3	..	..	..	..	33-1/3	..
Anantapur	..	6-2/3	..	..	..	13-1/3	..	..
Kurnool	..	..	..	..	33-1/3	..	..	..
Chingleput	..	..	..	..	..	..	..	..
Chittoor	..	..	..	..	..	..	..	..
Cuddapah	..	..	..	..	..	..	..	20
Ramnad	..	..	..	..	..	..	..	..
South Kanara ..	..	..	..	..	..	..	..	..
Madras	..	46-1/3	200	60	26-2/3	80	193-1/3	300

(10) ENG. (Engineering).	(11) OLE. (Oil).	(12) CHM. (Chemical).	(13) DST. (Distilleries).	(14) FOD. (Food).	(15) DAR. (Dairies), SS. (Navigation), JLS. (Jails).	(16) RUB. (Rubber), EDU. (Education).	(17) Total.
Kistna	..	200	80	120	100	..	580
Guntur	13-1/3	..	306-2/3	..	..	..	413-1/3
Vizagapatam ..	26-2/3	153-1/3	..	20	..	6-2/3	373-1/3
East Godavari ..	13-1/3	..	..	..	..	..	133-1/3
West Godavari ..	33-1/3	..	..	60	20	..	146-2/3
Madura	13-1/3	6-2/3	..	..	..	..	260
Trichinopoly ..	..	..	..	..	..	6-2/3	20
Tinnevely	6-2/3	33-1/3	..	..	..	..	60
Tanjore	..	..	..	..	..	..	40
Malabar	6-2/3	..	..	..	..	..	20
Coimbatore	66-2/3	6-2/3	80	..	20	20	253-1/3
North Arcot ..	..	6-2/3	93-1/3	..	..	..	100
Bellary	..	106-1/3	..	..	..	..	126-1/3
South Arcot ..	..	..	100	120	..	..	220
Salem	..	6-2/3	..	..	..	..	26-2/3
Nellore	..	..	..	..	..	..	40
Anantapur	..	73-1/3	..	..	..	..	73-1/3
Kurnool	..	93-1/3	6-2/3	20	..	..	140
Chingleput	..	..	..	..	..	..	33-1/3
Chittoor	..	..	..	..	..	..	..
Cuddapah	..	13-1/3	..	..	..	..	33-1/3
Ramnad	..	..	..	..	..	..	..
South Kanara ..	..	6-2/3	..	..	..	..	6-2/3
Madras	100	53-1/3	20	..	120	20	1,126-1/3

Statement of quotas allotted to the various industries in the Province.

(In wagons—1 wagon = 20 tons.)

	Wagons per month.		Wagons per month.
PWD. & Mis.	8	GLS. (Glass Factory)	10
LMS. (Lime)	4	CHM. (Chemicals)	14
OLE. (Oil Mills)	52	DST. (Distilleries)	13
ENG. (Engineering)	17	DAR. (Dairies)	1
SOP. (Soap Factory)	5	SS. (Steam Ship), Navigation	1
LTH. (Leather)	2	JLS. (Jails)	1
RRL. (Rerolling)	4	RUB. (Rubber)	1
ZMS. (Provincial Depot holders) ..	55	EDU. (Education)	1
POT. (Pottery)	17	FOD. (Food)	21
MWW. (Municipality)	38	BRK. (Brick manufactures)	76

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APPENDIX VI.

[Vide answer to starred question No. 136 asked by Sri S. B. Adityan, at the meeting of the Legislative Council held on the 7th November 1947, page 682 supra.]

STATEMENT A.—*Showing the existing cement factories.*

Serial number and name of the district.	Name of the company.	Location.	Capacity in tons per annum.	Expansion in tons per annum sanctioned.
1 Kistna	The Associated Cement Company, Limited.	Mangalagiri ..	80,000	100,000
2 Coimbatore ..	Do. ..	Madukarai ..	180,000	100,000
3 Trichinopoly ..	The Dalmia Cement, Limited.	Dalmiapuram ..	70,000	190,000
4 Kistna	The Andhra Cement Company, Limited.	Bezwada ..	30,000	60,000

STATEMENT B.—*Showing the new cement factories sanctioned by the Government of India.*

Serial number and name of the district.	Name of the company or promoter.	Location.	Capacity in tons per annum.
1 Tinnevely ..	The India Cements, Limited.	Thalaiyuthu ..	100,000
2 Kurnool ..	Sri Rao Bahadur B. P. Sesha Reddi.	Kurnool ..	50,000

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

APPENDIX VII.

[Vide answer to starred question No. 139 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 7th November 1947, page 686 supra.]

Statement showing the number of ruined tanks restored in Rayalaseema with other particulars.

Dist. & No.	Number of ruined tanks restored by Government in the past seven years from 1940.	The extent of the ayacut under these restored tanks.	Whether the entire ayacut has been brought under cultivation.	Whether it is a fact that the cultivators owning lands under these restored tanks find it difficult to bring the lands under cultivation immediately the tanks are restored.	Whether the question of exempting the ayacutdars from wet assessment or water-rate for a period of time to enable them to bring the land under cultivation has ever been considered and if so, what orders were passed thereon.
	(a)	(b) ACRES.	(c)	(d)	(e)
I Anantapur ..	(1) Gazulapalli tank in Penukonda taluk.	130	No	The ayacut contains undulating ground requiring lot of expenditure for reclamation and preparation of achukkattu — Ryots are being induced to reclaim the land as early as possible. Only 23.97 acres have been brought under cultivation.	Yes. Exemption from water-cess has been sanctioned for faslis 1355 to 1357, in respect of lands newly cultivated under the tank.
	(2) Theetikal tank in Kalyandrug taluk.	102.97	Yes, if second crop is included.	Out of the fixed ayacut of 102.97 acres, only an extent of 70 acres has been brought under cultivation. 20.38 acres of dry land not included in the ayacut is brought under cultivation with the tank water. (Irrigated tirvajasti cultivation.) Second crop is cultivated on an extent of 40.57 acres. There are no proper distributory irrigation channels to the remaining wet ayacut (102.97-70) 32.97 acres. As a result, dry lands situated either in the middle or near to the wet irrigable ayacut are being irrigated with tank water.	The tank was restored in 1945. No proposals have been considered by the Government for exempting the ayacutdars from wet assessment or water-cess till now.

District.	Number of ruined tanks restored by Government in the past seven years from 1940.	The extent of the ayacut under these restored tanks.	Whether the entire ayacut has been brought under cultivation.	Whether it is a fact that the cultivators owning lands under these restored tanks find it difficult to bring the lands under cultivation immediately the tanks are restored.	Whether the question of exempting the ayacutdars from wet assessment or water-rate for a period of time to enable them to bring the land under cultivation has ever been considered and if so, what orders were passed thereon.
	(a)	(b)	(c)	(d)	(e)
		ACRES.			
2 Chittoor	Beerappa cheruvu in Chittoor taluk.	425	No, only 219.50 acres have been brought under cultivation.	Yes	The Government have sanctioned exemption in full of water-cess for faslis 1356 and 1357 and also of exemption of assessment on lands newly brought under cultivation after reclamation for faslis 1356 and 1357.
3 Cuddapah	No ruined tanks were restored by Government during the last seven years, i.e., from 1940.				
4 Kurnool	No ruined tanks were restored during the last seven years, i.e., from 1940.				
5 Bellary	(1) Rayapuram tank in Kudligi taluk.	Tentatively 200 acres (not finally fixed).	No. About an extent of 100 acres have been brought under cultivation.	Yes. The ayacutdars have had to attend to levelling, preserving soil for wet cultivation, manuring, etc.	In order to encourage wet cultivation under the tank, the Government have ordered that water-cess should be levied at a concessional rate of Rs. 3 per acre for a single wet crop raised under the tank in faslis 1354 to 1357.
	(2) Malapramakeri tank in Bellary taluk.	Tentatively 200 acres (not finally fixed).	No. A negligible extent has been cultivated.	Yes. The ayacut lands are saline and they require heavy manuring.	The question of exempting the ayacutdars from the payment of wet assessment or water-rate has not so far been considered. The proposals are being examined by the Collector.

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APPENDIX VIII.

[Vide answer to unstarred question No. 24 asked by Mrs. Mary Clubwala at the meeting of the Legislative Council held on 7th November 1947, page 690 supra.]

I. COMMITTEES ON WHICH WOMEN ARE REPRESENTED.

A. Social.

- (1) Provincial Executive Committee of the Indian Women's Civic Corps.
- (2) The Madras Board of Film Censors.
- (3) The Committee for enquiry into the Laws of Thiyyas in South Malabar.
- (4) The Provincial Harijan Welfare Committee.
- (5) The District Harijan Welfare Committees.

B. Economic.

- (1) Provincial Firka Development Board.
- (2) Committee to consider the Madras Hindu Women's rights to Property (Extension to Agricultural Land) Bill.
- (3) The Provincial Handloom Wages Board.
- (4) The District Textile Committees.
- (5) The Provincial Housing Committee.
- (6) The Housing Committees for Municipalities.
- (7) The District Food Committees.
- (8) The City Rationing Advisory Committee.

C. Medical.

- (1) The Advisory Committees of Government Hospitals in City and Mufassal.
- (2) The Provincial Council and Executive Committee of the British Empire Leprosy Relief Association.
- (3) The Central Board of Indian Medicine.
- (4) The Governing Body of School and Hospital of Indian Medicine.

D. Others.

- (1) The Committee of Visitors to Certified Schools.
- (2) The Board of Visitors to the Veterinary Institutions, Hospitals and College.
- (3) The Board of Secondary Education.
- (4) The Text-Book Committee.
- (5) The Provincial Advisory Board of Education.
- (6) The Advisory Board of Basic Education.
- (7) Advisory Committees for all Government Schools and Colleges (being formed).

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APPENDIX IX.

[Vide answer to unstarred question No. 26 asked by Sri B. Narayanaswami Nayudu at the meeting of the Legislative Council held on 7th November 1947, page 690 supra.]

Mineral Resources of each district in the Province.

Vizagapatam.—Apatite, building materials, clays, graphite and phosphates.

East Godavari.—Coal and graphite.

West Godavari.—Graphite.

Kistna.—Sulphur, building materials, chromite and gemstones.

Guntur.—Copper, gemstones and lead.

Nellore.—Mica, building materials, clays, felspar, copper, garnet, gypsum and barytes.

Anantapur.—Barytes, steatite, corundum, gold and mineral pigments.

Bellary.—Building materials, manganese and mineral pigments.

Kurnool.—Barytes, building materials, clays, gemstones, iron ore, lead, steatite, copper, slate and mineral pigments.

Cuddapah.—Asbestos, barytes, building materials, limestone, clays, gemstones, lead and mineral pigments.

Chingleput.—Building materials and clays.

Salem.—Abrasives, asbestos, barytes, bauxite, building materials, limestone, felspar, chromite, corundum, iron ore and magnesite.

Coimbatore.—Asbestos, building materials, limestone, copper and corundum.

Trichinopoly.—Building materials, chalk, fibrous calcium carbonates, limestone, strontium, clays, felspar, gypsum, iron ore and phosphates.

Nilgiris.—Building materials and gold.

North Arcot.—Sulphur and building materials.

South Arcot.—Clays, iron ore and lignite.

South Kanara.—Corundum and lignite.

Ramnad.—Ilmenite.

Tanjore.—Ilmenite, lignite and monozite.

Malabar.—Lignite, monozite and ilmenite.

Madura.—Building materials.

Tinnevely.—Building materials, limestone, garnet, graphite, ilmenite, monozite, graphite in Kuruvaikkulam zamindari.

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APPENDIX X.

[Vide item VI (1) at page 694 supra.]

A Bill further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, and to supplement the Madras City Municipal Act, 1919.

(L.A. Bill No. 32 of 1947)

(AS PASSED BY THE ASSEMBLY)

Madras Act
V of 1920.
Madras Act
XIV of 1920.
Madras Act
IV of 1919.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, and to supplement the Madras City Municipal Act, 1919, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Municipal and Local Boards (Amendment) Act, 1947.

Short title
and com-
mencement.

(2) Section 2 of this Act shall be deemed to have come into force on the 29th day of June 1920, section 3 on the 4th day of January 1921, and section 4 on the 1st day of April 1946.

Madras Act
V of 1920.

2. In the Madras District Municipalities Act, 1920, in section 5, sub-section (2), for the words "the balance of the municipal fund and all other property vested in the municipal council shall vest in His Majesty, and the liabilities of the council shall be transferred to the Provincial Government", the following words shall be substituted, namely :—

Amendment
of section 5,
Madras Act
V of 1920.

"the balance of the municipal fund and all other property vested in the municipal council and all its liabilities shall stand transferred to the Provincial Government or to such local or other authority or to such officer or other person as they may, by order, direct."

Madras Act
XIV of 1920.

3. In the Madras Local Boards Act, 1920, for section 240, sub-section (8), the following sub-section shall be substituted, namely :—

Amendment
of section
240, Madras
Act XIV of
1920.

"(8) The Provincial Government may pass such orders as they may deem fit, as to—

(i) the disposal of the property vested in a local board which has ceased to exist, and the discharge of its liabilities,

(ii) the disposal of the property vested in a local board and situated in a local area in which such board has ceased to exercise jurisdiction and the discharge of the liabilities of the board relating to such property or arising from such local area."

Madras Act
IV of 1919.

4. If any difficulty arises in giving effect to the provisions of the Madras City Municipal Act, 1919, in relation to the areas (comprising the Saidapet Municipal area, the Sembiam and Aminjikarai Panchayat areas, and certain other areas) included within the limits of the City of Madras by Local Administration Department Notification No. 107, published at page 79 of Part I-A of the *Fort St. George Gazette*, dated the 19th March 1946, the Provincial Government, as occasion requires, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

Power to
remove
difficulties
consequent
on the inclu-
sion in the
City of
Madras of
the Saidapet,
Sembiam,
Aminjikarai
and other
areas.

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APPENDIX XI.

[Vide item VI (2) at page 694 supra.]

*A Bill further to amend the Places of Public Resort Act, 1888.
(L.A. Bill No. 33 of 1947.)*

(AS PASSED BY THE ASSEMBLY)

WHEREAS it is expedient further to amend the Places of Public Resort Act, 1888, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Places of Public Resort (Amendment) Act, 1947.

Insertion of new sections 13A, 13B and 13C in Madras Act II of 1888.

2. After section 13 of the Places of Public Resort Act, 1888, the following sections shall be inserted, namely:—

Act to apply to areas within three miles of municipal limits.

“13A. The provisions of this Act shall apply to all areas situated within a distance of three miles from the limits of any municipality, as if such areas formed part of such municipality:

Provided that this section shall not apply to—

(i) areas for the time being included within the limits of some other municipality, or

(ii) areas to which this Act has been, or may be, extended by a notification under section 1, sub-section (3), so long as such notification remains in force.

Distribution of income derived by municipalities from outside municipal limits.

13B. Where, by virtue of section 13A, a municipal council derives any income under this Act from any area outside the municipal limits, such income shall be distributed between the municipal council and the local authority or authorities having jurisdiction over such area, in such manner as the Provincial Government may specify in rules made under this Act.

Provision for cases where jurisdiction is transferred.

13C. Where by virtue of any notification issued under section 1, sub-section (3), or otherwise, jurisdiction under this Act over any area stands transferred from one officer or authority to another officer or authority, all licences granted, all orders passed, and all proceedings commenced, in respect of places, buildings and enclosures in such area, by or before the officer or authority having jurisdiction prior to such transfer, shall be deemed to have been granted, passed, or commenced by or before the officer or authority having jurisdiction subsequent to such transfer.”

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APPENDIX XII.

[Vide item VI (4) at page 721 *supra.*]

L. A. BILL No. 16 OF 1947.

(AS PASSED BY THE ASSEMBLY.)

A Bill to regulate the conditions of labour and to make provision for its welfare in places and premises to which the Factories Act, 1934, does not apply, in the Province of Madras.

Central
Act XXV
of 1934.

Central
Act XXV
of 1934.

WHEREAS it is expedient to regulate the conditions of labour, and to make provision for its welfare, in places and premises to which the Factories Act, 1934, does not apply: It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1 (1) This Act may be called the Madras Non-power Short title, extent and commencement.
Factories Act, 1947.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once; and the Government may, from time to time, by notification, apply the remaining provisions of this Act to the whole or any portion of the Province of Madras from such date as may be specified in the notification.

2 (1) In this Act, unless there is anything repugnant Definitions.
in the subject or context—

(a) " Chief Inspector " means the Chief Inspector appointed under sub-section (2) of section 5;

(b) " child " means a person who has not completed his fourteenth year;

(c) " day " means a period of twenty-four hours beginning at midnight;

(d) " Government " means the Provincial Government;

(e) " Inspector " means an Inspector appointed under sub-section (1) of section 5;

(f) " manufacturing process " means any process for or incidental to, making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal;

(g) " non-power factory " means any place or premises including the precincts thereof wherein ten or more workers are working or were working on any one day of the preceding twelve months and to which the Factories Act, 1934, does not apply and wherein one or more of the industries or handicrafts specified in the Schedule is or are being carried on:

Central
Act XXV
of 1934.

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Provided that the Government may, by notification, add to or omit from the Schedule any industry or handicraft :

Provided also that no such place or premises shall be deemed to be a non-power factory if all the workers therein are members of the occupier's family living with him;

(h) " notification " means a notification in the *Fort St. George Gazette* ;

(i) " occupier " of a non-power factory means the person who has ultimate control over the affairs of the factory and include a managing agent or any other person authorized to represent the occupier ;

(j) " prescribed " means prescribed by rules made under this Act ;

(k) " wages " means all remuneration capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include—

(i) the value of any house-accommodation, supply of light, water, medical attendance or other amenity, or of any service excluded by general or special order of the Government ;

(ii) any contribution paid by the employer to any pension fund or provident fund ;

(iii) any travelling allowance or the value of any travelling concession ;

(iv) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment ; or

(v) any gratuity payable on discharge ;

(l) " week " means a period of seven days beginning at midnight on Saturday night ;

(m) " worker " means a person employed, whether for wages or not, in any manufacturing process or handicraft or in cleaning any part of the machinery, place or premises used for a manufacturing process or handicraft or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft or connected with the subject of the manufacturing process or handicraft, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process or handicraft is being carried on ;

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(n) " young person " means a person who is not a child and has not completed his seventeenth year.

(2) References to time of day in this Act are references to Indian Standard Time which is five and a half hours ahead of Greenwich Mean Time.

3. (1) The Government may, by notification, declare that all or any of the provisions of this Act shall apply to any place or premises wherein an industry or handicraft specified in the Schedule is being carried on or is ordinarily carried on although the number of workers working in such place or premises is less than ten : Power of Government to declare certain premises to be non-power factories.

Provided that no such notification shall be issued in respect of any place or premises to which the Factories Act, 1934, applies.

(2) A notification under sub-section (1) may be made in respect of any one such place or premises or in respect of any class thereof or generally in respect of all such places or premises.

(3) Any place or premises to which all or any of the provisions of this Act are, for the time being, applicable in pursuance of a notification under sub-section (1) shall, to the extent to which such provisions are so made applicable, be deemed to be a non-power factory.

CHAPTER II.

LICENCES FOR NON-POWER FACTORIES.

4. (1) The occupier of every non-power factory shall, within thirty days of the date on which this Act is made applicable to such factory, make an application in the prescribed form to the Chief Inspector for a licence for carrying on work in such factory. The Chief Inspector shall, as soon as may be, after receipt of such application— Licences.

(a) grant a licence subject to such conditions as he thinks fit to impose, on payment of such fees as may be prescribed ; or

(b) refuse to grant a licence, if he is of opinion that the premises or place is unsuitable for carrying on the industry or handicraft.

(2) Where a licence is refused under sub-section (1), the place or premises for which the licence was applied shall not be used as a non-power factory from the date on which the order refusing the grant of a licence is received by the applicant for the licence.

(3) Except in cases falling under sub-section (1), no person shall use any place or premises as a non-power factory, unless he has been granted a licence by the Chief Inspector.

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(4) Every licence granted under this section shall expire at the end of the calendar year for which it is granted.

(5) A licence may be renewed on an application made and disposed of, as if it were an application for a licence.

(6) (a) The Chief Inspector may suspend or cancel any licence granted under this section for a breach of any of the conditions thereof.

(b) The Chief Inspector may, at any time, modify the conditions of a licence if, in his opinion, such modification is necessary.

(7) (a) The Chief Inspector may, by an order in writing, authorize any officer subordinate to him to exercise the powers conferred on him by this section.

(b) The exercise of any powers delegated under clause (a) shall be subject to such restrictions and conditions as may be specified in the order and also to control and revision by the Chief Inspector.

CHAPTER III.

INSPECTORS AND CERTIFYING SURGEONS.

Inspectors.

5. (1) The Government may, by notification, appoint such persons as they think fit to be Inspectors for the purposes of this Act, within such local limits as may be specified in the notification.

(2) The Government may, by notification, appoint any person to be a Chief Inspector who shall, in addition to the powers conferred on a Chief Inspector under this Act, exercise the powers of an Inspector throughout the Province.

(3) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Central
Act XLV
of 1860.

Power of
Inspector.

6. Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed—

(a) enter, with such assistants, if any, being persons in the service of the Crown or of any local authority, as he thinks fit, any place or premises which is, or which he has reason to believe to be, used as a non-power factory or capable of being declared to be a non-power factory under the provisions of section 3;

(b) make such examination of the place or premises, plant and machinery and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act;

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(c) exercise such other powers as may be necessary for carrying out the purposes of this Act :

Provided that no person shall be required under this section to answer any question or give any evidence tending to criminate himself.

7. (1) The Government may appoint such registered medical practitioners as they think fit, to be certifying surgeons for the purposes of this Act, within such local limits as the Government may specify. Certifying surgeons.

(2) A certifying surgeon appointed under sub-section (1) shall exercise such powers of an Inspector under section 6 as may be necessary for the discharge of his duties under this Act.

Explanation.—For the purposes of this section, the expression “registered medical practitioner” shall have the same meaning as in the Madras Medical Registration Act, 1914.

Madras
Act IV of
1914.

8. (1) A certifying surgeon shall, on the application of any young person who wishes to work in a non-power factory situated within the local limits for which he is appointed, or of the parent or guardian of such young person, or of the manager of the non-power factory in which such young person wishes to work, examine such young person and, if he is fit for employment in the whole or any specified part of, or in any specified manufacturing process or work in a non-power factory, grant him a certificate in the prescribed form stating his age as nearly as it can be ascertained from such examination and that he is fit for such employment. Certificates of fitness.

(2) A certifying surgeon may revoke any certificate granted to a young person under sub-section (1) if, in his opinion, the holder of it is no longer fit to work in the capacity stated therein in a non-power factory.

(3) Where a certifying surgeon refuses to grant a certificate or a certificate of the kind requested or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate, state in writing his reasons for so doing.

9. Where an Inspector is of opinion—

(a) that any person working without a certificate of fitness is a young person, or

(b) that a young person working in a non-power factory with a certificate is no longer fit to work in the capacity stated therein,

he may serve on the manager of the non-power factory an order in writing requiring that such young person shall be examined by a certifying surgeon and such person shall not,

Power to
require
medical
examina-
tion.

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if the Inspector so directs, be allowed to work in the factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be.

CHAPTER IV.

HEALTH AND SAFETY.

Cleanliness.

10. Every non-power factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance.

Ventilation.

11. (1) Every non-power factory shall be ventilated in accordance with such standards and by such methods, as may be prescribed.

(2) Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers.

Overcrowding.

12. In order that no room in a non-power factory shall be crowded during working hours to a dangerous extent or to an extent which may be injurious to the health of the workers, the proportion which the number of cubic feet of space in a room and the number of superficial feet of its floor area bears to the number of workers working at any time therein shall not be less than such standards as may be prescribed either generally or for the particular class of work carried on in the room.

Lighting.

13. (1) Every non-power factory shall be sufficiently lighted during all working hours.

(2) If it appears to the Inspector that any non-power factory is not sufficiently lighted, he may serve on the manager of the non-power factory an order in writing specifying the measures which, in his opinion, should be adopted for the attainment of a sufficient standard of lighting and requiring him to carry them out before a specified date.

(3) The Government may make rules requiring that all non-power factories of specified classes shall be lighted in accordance with prescribed standards.

Provision of spittoons, latrines and urinals.

14. In every non-power factory sufficient spittoons, latrines and urinals according to the prescribed standards shall be provided for male and female workers separately and shall be kept in a clean and sanitary condition.

Water.

15. (1) In every non-power factory a sufficient supply of water fit for drinking shall be provided at suitable places for the use of the workers.

(2) The supply required by sub-section (1) shall comply with such standards as may be prescribed.

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(3) In every non-power factory a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with suitable facilities for its use, according to such standards as may be prescribed.

16. In every non-power factory such precautions against fire shall be taken as may be prescribed. Precautions against fire.

17. (1) Every non-power factory shall be provided with such means of escape in case of fire as may be prescribed. Means of escape.

(2) If it appears to the Inspector that any non-power factory is not so provided, he may serve on the manager of the non-power factory an order in writing specifying the measures which in his opinion should be adopted, and requiring him to carry them out before a specified date.

(3) The means of escape shall not be obstructed while any work is being carried on in the non-power factory.

18. If it appears to the Inspector—

(1) that any building or part of a building or any part of the ways, machinery or plant in a non-power factory is in such a condition as to be dangerous to human life or safety, or Safety of buildings.

(2) that any part of the manufacturing process is conducted in such a way as to cause danger to human life or safety,

he may serve on the manager of the non-power factory an order in writing specifying the measures which, in his opinion, should be adopted for removing the danger and requiring him to carry them out before a specified date.

19. (1) The manager of a non-power factory on whom an order in writing has been served under the provisions of this Chapter, or the occupier of the non-power factory, may, within thirty days of the service of the order, appeal against it to the Government or to such authority as the Government may appoint in that behalf and the Government or the authority, as the case may be, may confirm, modify or reverse the order. Appeals.

(2) The appellate authority may suspend the order appealed against pending the decision of the appeal, subject, however, to such conditions as to partial compliance or the adoption of temporary measures as it may think fit to impose in any case.

CHAPTER V.

HOURS OF EMPLOYMENT AND HOLIDAYS.

20. (1) Subject to the provisions of this Chapter, no worker shall be allowed to work in a non-power factory for more than nine hours in any day or for more than forty-eight hours in any week. Daily and weekly hours of work.

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(2) The periods of work for workers during each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least one hour.

(3) The periods of work of a worker in a non-power factory shall be so arranged that, along with his intervals for rest, they shall not spread over more than ten hours in any day, save with the permission of the Government and subject to such conditions as they may impose, either generally or in the case of any particular non-power factory.

Weekly holiday.

21. (1) No worker shall be allowed to work in any non-power factory for more than six consecutive days without a holiday for a whole day.

(2) No deduction shall be made from the wages of any worker on account of any holiday allowed in accordance with this section and if he is employed on the basis that he would not ordinarily receive wages for such holiday, he shall nonetheless be paid for such holiday the wages he would have drawn had he not been allowed the holiday.

Prohibition of employment in more than one factory on the same day.

22. No person shall be allowed to work in any non-power factory on any day, on which he has already been working in any other factory.

Prohibition of employment of children.

23. No child shall be allowed to work in any non-power factory.

Employment of young persons.

24. No young person shall be allowed to work in any non-power factory unless—

(a) a certificate of fitness granted to him under section 8 is in the custody of the manager of the non-power factory, and

(b) he carries while he is at work, a token giving a reference to such certificate.

Employment of women.

25. No woman shall be allowed to work in any non-power factory before 6 a.m. and after 7 p.m.

Notice of dismissal.

26. (1) No occupier shall dispense with the services of a worker working continuously in a non-power factory for a period of not less than six months except for a reasonable cause and without giving such worker at least one month's notice or wages in lieu of such notice, provided, however, that such notice shall not be necessary where the services of such worker are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held for the purpose.

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(2) The worker shall have a right to appeal to such authority and within such time as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the occupier.

(3) The decision of the appellate authority shall be final and binding on both the occupier and the worker.

CHAPTER VI.

HOLIDAYS WITH WAGES.

27. (1) Every worker who has completed a period of twelve months' continuous service in a non-power factory shall be allowed during the subsequent period of twelve months, holidays with wages for a period of twelve days excluding festival holidays enjoyed by the workers by contract, custom or usage: Holidays,
sick leave,
etc.

Provided that such holidays with wages may be accumulated up to a maximum period of twenty-four days.

Explanation.—For the purposes of this sub-section, any continuous period of service preceding the date on which this Act applies to any non-power factory shall also count, subject to a maximum period of twelve months.

(2) Every worker employed in any non-power factory shall also be entitled, during his first twelve months of continuous service after the commencement of this Act and during every subsequent twelve months of such service, (a) to leave with wages for a period not exceeding twelve days, on the ground of any sickness incurred or accident sustained by him and (b) to casual leave with wages for a period not exceeding twelve days on any reasonable ground.

(3) If a worker entitled to any holidays under sub-section (1) is discharged by the occupier before he has been allowed the holidays, or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the occupier shall pay him the amount payable under this Act in respect of the holidays.

(4) If a worker entitled to any leave under sub-section (2) is discharged by the occupier when he is sick or suffering from the result of an accident, the occupier shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled under that sub-section at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (3).

(5) A worker shall be deemed to have completed a period of twelve months' continuous service within the meaning of this section notwithstanding any interruption in service

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during those twelve months brought about (i) by sickness, accident, leave (including authorized holidays), and unauthorized absences from duty (up to a maximum of twenty days), not exceeding ninety days in the aggregate for all four or (ii) by a lock-out; or (iii) by a strike which is not an illegal strike; or (iv) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and leave shall be deemed not to include any weekly holidays allowed under this Act which occurs at the beginning or end of an interruption, brought about by the leave.

(6) In the case of a non-power factory which is a seasonal factory working for a period of not less than six months in a year, every worker shall be allowed the privileges referred to in sub-sections (1) to (5), reduced however proportionately to the period in which the work was carried on by the worker continuously in the previous year in the factory, or to the period in which work will be carried on by him continuously in the factory in the current year, as the case may be; and all references to periods of holidays or of leave in sub-sections (1) and (2) shall be construed accordingly, fractions of less than one day being disregarded.

(7) The Government shall have power to issue directions as to the manner in which the provisions of sub-section (6) shall be carried into effect in all or any class of cases or in any particular case.

28. Without prejudice to the conditions governing the day or days, if any, on which the worker is entitled to a holiday under section 21, the worker shall for the remaining days of the holidays or of the leave allowed to him under section 27 be paid at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

29. A worker who has been allowed holidays under sub-section (1) of section 27 or under sub-section (6) of that section read with sub-section (1) thereof, shall, before his holidays begin, be paid half the total pay due for the period of holidays.

30. Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid under this Chapter by an employer which the employer has not paid.

CHAPTER VII.

NOTICES AND REGISTERS.

31. (1) The occupier of every non-power factory to which this Act is made applicable shall within fifteen days of the date on which it is made applicable and every person intending to use any place or premises as a non-power factory shall

Pay during
annual
holidays.

Payment
when to be
made.

Power of
Inspector to
act for
worker.

Notice to
Inspector.

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before work is begun, send to the Inspector a written notice containing—

- (i) the name of the non-power factory and the place where it is situated;
- (ii) the address to which communications relating to such non-power factory shall be sent;
- (iii) the nature of the work in such non-power factory;
- (iv) the name of the person who shall be the manager of the non-power factory for the purposes of this Act;
- (v) such other particulars as may be prescribed.

(2) Whenever there is a change in the person appointed as manager, the occupier shall send to the Inspector a written notice of the change within seven days from the date on which the new manager assumed charge.

(3) During any period for which no person has been designated as manager of a non-power factory under this section, or during which the person designated does not manage such factory, any person found acting as manager or if no such person is found, the occupier himself, shall be deemed to be the manager of the non-power factory for the purposes of this Act.

32. The manager of every non-power factory shall maintain in the prescribed form a register of workers showing the names of all the workers in such factory, their hours of work, the nature of the work and such other particulars as may be prescribed: Register of workers.

Provided that, where in the opinion of the Inspector, a muster roll or register kept in a non-power factory gives the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall be kept in the place of the register required to be maintained under this section and such muster roll or register shall thereupon, for all the purposes of this Act, be treated as the register of workers in that factory:

Provided further that where the Government are satisfied that the conditions of work in any non-power factory or class of non-power factories are such that there is no appreciable risk of contravention of the provisions of Chapter V, the Government may, by notification, exempt, on such conditions as they may impose, that factory or all factories of that class, as the case may be, from the provisions of this section.

33. There shall be displayed in some conspicuous place near the main entrance of every non-power factory in English and in the language of the majority of the workers in such factory, the prescribed abstracts of this Act and the rules made thereunder in clean and legible form. Affixing of abstracts.

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CHAPTER VIII.

PENALTIES AND PROCEDURE.

**Penalty for
contraven-
tion of
certain
provisions.**

34. (1) Whoever uses any place or premises as a non-power factory without obtaining a licence, shall be punishable with fine which may extend to five hundred rupees.

(2) If in any non-power factory—

(a) there is any contravention of or non-compliance with—

(i) any of the provisions of sections 10 to 17 inclusive, 20 to 29 inclusive and 31 to 33 inclusive; or

(ii) any order under sections 9, 13 (2), 17 (2) and 18; or

(iii) any of the provisions of the rules made under this Act; or

(iv) any conditions imposed by a licence under section 4 or imposed under section 20 (3) or the second proviso to section 32; or

(b) if the register required by section 32 is not kept up to date, the manager and occupier shall each be punishable with fine which may extend to two hundred rupees:

Provided that, if both the manager and the occupier are convicted, the aggregate of the fines inflicted in respect of the same contravention or non-compliance shall not exceed this amount.

**Penalty for
obstructing
Inspector.**

35. Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by section 6 or any person lawfully assisting an Inspector in the exercise of such power or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Act or any of the rules made thereunder or conceals or prevents any worker in a non-power factory from appearing before or being examined by an Inspector shall be punishable with fine which may extend to two hundred rupees.

**Penalty for
using false
certificates.**

36. Whoever knowingly uses or attempts to use, as a certificate granted to him under section 8, a certificate granted to another person under that section, or who, having procured such a certificate knowingly allows another person to use it or attempt to use it as aforesaid, shall be punishable with fine which may extend to twenty rupees.

**Determina-
tion of
occupier.**

37. (1) Where the occupier of a non-power factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the non-power factory is punishable:

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Provided that the firm or association may give notice to the Inspector that it has nominated one of its members who is resident in the Province of Madras to be the occupier of the non-power factory for the purposes of this Chapter, and such individual shall, so long as he is so resident, be deemed to be the occupier for the purposes of this Chapter, until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the occupier of a non-power factory is a company, any one of the directors thereof, or in the case of a private company, any one of the shareholders thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the non-power factory is punishable :

Provided that the company may give notice to the Inspector that it has nominated a director, or, in the case of a private company, a shareholder, who is resident in either case in the Province of Madras, to be the occupier of the non-power factory for the purposes of this Chapter and such director or shareholder shall, so long as he is so resident, be deemed to be the occupier of the non-power factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

38. (1) Where the occupier or manager of a non-power factory is charged with an offence against this Act, he shall be entitled upon complaint duly made by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge ; and if, after the commission of the offence has been proved, the occupier or manager of the non-power factory proves to the satisfaction of the Court—

Exemption of occupier or manager from liability in certain cases.

(a) that he has used due diligence to enforce the execution of this Act ; and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance ; that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager and the occupier or manager shall be discharged from any liability under this Act.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings—

(a) that the occupier or manager of the non-power factory has used all due diligence to enforce the execution of this Act ;

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(b) by what person the offence has been committed; and

(c) that it has been committed without the knowledge, consent or connivance of the occupier or manager and in contravention of his orders;

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the non-power factory, and such person shall be liable to the like fine as if he were the occupier or manager.

Penalty on guardian for permitting double employment of a young person.

39. If a young person works in any non-power factory on any day on which he has already been working in any other non-power factory, the parent or guardian of the young person or the person having custody of or control over him or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to twenty rupees, unless it appears to the court that the young person so worked without the consent, connivance or wilful default of such parent, guardian or person.

Presumption as to employment.

40. If a child over the age of six years is found inside any part of a non-power factory in which young persons are working, he shall, until the contrary is proved, be deemed to be working in such factory.

Evidence as to age.

41. (1) When an act or omission would if a person were under or over a certain age be an offence punishable under this Act and such person is, in the opinion of the court, apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that worker.

Cognizance of offences.

42. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Chief Inspector or such other officer as the Government may appoint in that behalf.

(2) No Court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence against this Act or any rule or order made thereunder.

Limitation of prosecutions.

43. No Court shall take cognizance of any offence under this Act or any rule or order made thereunder, other than an offence under section 31, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

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44. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Protection to persons acting under this Act.

CHAPTER IX.

MISCELLANEOUS.

45. The Government may, by notification, exempt any non-power factory or class of non-power factories from all or any of the provisions of this Act either permanently or for such period or periods as they may think fit.

Exemption.

46. (1) The Government may make rules to carry out all or any of the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules—

(a) with reference to all matters expressly required or allowed by the Act to be prescribed;

(b) in regard to the duties to be performed by certifying surgeons;

(c) for the issue of duplicates of certificates granted under section 8 and the fee to be charged therefor;

(d) requiring the occupiers and managers of non-power factories to maintain adequate first-aid appliances;

(e) requiring that in any specified non-power factory wherein fifty or more workers are ordinarily employed an adequate shelter shall be provided for the use of workers during periods of rest according to such standards as may be specified;

(f) requiring that in any specified non-power factory wherein ten or more women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women and prescribing standards for such rooms; and the nature of the supervision to be exercised over the children therein;

(g) requiring occupiers or managers of non-power factories to furnish such returns as may be required for the purposes of this Act;

(h) the procedure to be followed in appeals under section 19;

(i) the manner of service of orders upon occupiers or managers of non-power factories.

(3) All rules made under this Act shall be subject to the condition of previous publication and the date to be specified in accordance with clause (c) of section 7 of the Madras General Clauses Act, 1891, shall not be less than three months from the date on which the draft of the proposed rules was published.

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(4) All such rules shall be published in the *Fort St. George Gazette* and shall, unless some later date is appointed, come into force on the date of such publication.

Rights and
privileges
under other
law, etc.,
not affected.

47. Nothing contained in this Act shall affect any rights or privileges which any worker working in any non-power factory is entitled to, on the date on which this Act comes into operation in respect of such non-power factory, under any other law, contract, custom or usage applicable to such non-power factory, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

THE SCHEDULE.

[See section 2 (1) (g).]

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|--------------------------------|--|
| 1 Match factory. | 17 Brick and tile works. |
| 2 Confectionery. | 18 Metal vessels manufacture. |
| 3 Printing and binding. | 19 Iron safes and trunks works. |
| 4 Type casting. | 20 Jewelstone polishing. |
| 5 Engineering and blacksmithy. | 21 Carpet weaving. |
| 6 Tanning of skins and hides. | 22 Tapes, laces and wicks manufacture. |
| 7 Wool cleaning. | 23 Embroidery of cloth. |
| 8 Cashewnut works. | 24 Knitting of banians. |
| 9 Coffee garbling. | 25 Breaking of grams into dhal. |
| 10 Beedi manufacture. | 26 Splitting and cutting of mica. |
| 11 Cigar manufacture. | 27 Aerated water works. |
| 12 Tobacco curing. | 28 Cloth printing. |
| 13 Carpentry. | 29 Tailoring. |
| 14 Handloom weaving. | 30 Fibre manufacture. |
| 15 Dyeing. | 31 Salt manufacture. |
| 16 Oil extraction. | |

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